

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

EDIZONE, LC, )

Plaintiff, )

vs. )

CLOUD NINE, LLC, et al., )

Defendants. )

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CLOUD NINE, LLC, et al., )

Counterclaim-Plaintiffs and )  
Third-Party Plaintiffs, )

vs. )

EDIZONE, LC, )

Counterclaim-Defendant, )

and )

TERRY PEARCE, et al., )

Third-Party Defendants. )

**ORDER ENLARGING PLAINTIFF'S  
TIME TO RESPOND TO  
DEFENDANTS' MOTION FOR  
RECONSIDERATION UNDER RULE  
60 OR, IN THE ALTERNATIVE, FOR  
AN ENTRY OF JUDGMENT UNDER  
RULE 54(b)**

Case No. 1:04-CV-00117 TS

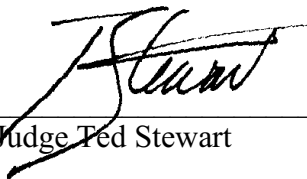
Honorable Ted Stewart  
Magistrate Judge Samuel Alba

Having reviewed Edizone, LC's Motion For Enlargement Of Time To Respond To Defendants' Motion For Reconsideration Under Rule 60 Or, In the Alternative, For An Entry Of Judgment Under Rule 54(b), and for good cause shown, it is hereby

ORDERED that plaintiff shall have until December 20, 2006 to file a response to defendants' Motion For Reconsideration Under Rule 60 Or, In the Alternative, For An Entry Of Judgment Under Rule 54(b).

DATED this 20th day of December, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Stewart", is written over a horizontal line.

Judge Ted Stewart

22

# UNITED STATES DISTRICT COURT

Northern Division

District of

FILED  
U.S. DISTRICT COURT  
Utah

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE 9 49

V.

Martin Barcenas-Martinez

Case Number: DUTX106CR000083-001  
DISTRICT OF UTAH

USM Number: 10886-081 BY: DEPUTY CLERK

Rob Hunt, FPD  
Defendant's Attorney

## THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1 of indictment
- ☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 USC Sec. 1326	Re-Entry of Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/30/2006  
Date of Imposition of Judgment

J. Thomas Greene  
Signature of Judge

J. Thomas Greene U.S. District Judge  
Name of Judge Title of Judge

December 18, 2006  
Date

DEFENDANT: Martin Barcenas-Martinez  
CASE NUMBER: DUTX106CR000083-001

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Ten months.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Martin Barcenas-Martinez  
CASE NUMBER: DUTX106CR000083-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Martin Barcenas-Martinez  
CASE NUMBER: DUTX106CR000083-001

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not illegally re-enter the United States. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the USPO in the District of Utah within 72 hours of arrival in the United States.

DEFENDANT: Martin Barcenas-Martinez  
CASE NUMBER: DUTX106CR000083-001

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____ 0.00	\$ _____ 0.00	
--------	---------------	---------------	--

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Martin Barcenas-Martinez  
CASE NUMBER: DUTX106CR000083-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:  
Special Assessment Fee of \$100 is due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10  
are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

## UNITED STATES DISTRICT COURT

DEC 13 2006  
MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

DISTRICT OF \_\_\_\_\_

UNITED STATES OF AMERICA

V.

Timothy B. Fulton

ORDER OF PROBATION  
UNDER 18 U.S.C. § 3607

CASE NUMBER: R 3312553

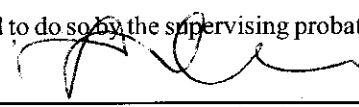
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The defendant having been found guilty of an offense described in 21 U.S.C. 844, and it appearing that the defendant (1) has not, prior to the commission of such offense, been convicted of violating a federal or state law relating to controlled substances, and (2) has not previously been the subject of a disposition under this subsection,

**IT IS ORDERED** that the defendant is placed on probation as provided in 18 U.S.C. § 3607 for a period of 1 year without a judgment of conviction first being entered. The defendant shall comply with the conditions of probation set forth on the next page of this Order, and the following special conditions:

The defendant:

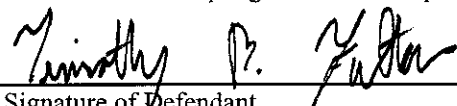
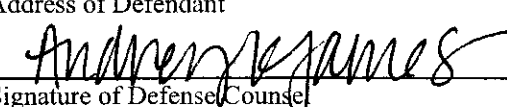
- 1) Shall participate in a drug education and/or treatment program if ordered to do so by the supervising probation officer.
- 2) Shall undergo drug testing, including but not limited to urinalysis, if ordered to do so by the supervising probation officer.

  
\_\_\_\_\_  
Signature of Judge\_\_\_\_\_  
Name and Title of Judge-----  
**CONSENT OF THE DEFENDANT**

I have read the proposed Order of Probation Under 18 U.S.C. § 3607 and the Conditions of Probation. I understand that if I violate any conditions of probation, the court may enter a judgment of conviction and proceed as provided by law. I consent to the entry of the Order.

I also understand that, if I have not violated any condition of my probation, the Court, without entering a judgment of conviction, (1) may dismiss the proceedings and discharge me from probation before the expiration of the term of probation, or (2) shall dismiss the proceedings and discharge me from probation at the expiration of the term of probation.

My date of birth is 1/1/88, and I am ☒ am not ☐ entitled to an expungement order as provided in 18 U.S.C. § 3607(c), if the proceedings are dismissed.

  
\_\_\_\_\_  
Signature of Defendant\_\_\_\_\_  
Address of Defendant  
\_\_\_\_\_  
Signature of Defense CounselAudrey K. James  
\_\_\_\_\_  
Printed Name of Defense Counsel12/13/06  
\_\_\_\_\_  
Date

## CONDITIONS OF PROBATION

While the defendant is on probation, the defendant:

- 1) shall not commit another federal, state or local crime.
- 2) shall not leave the judicial district without the permission of the court or probation officer;
- 3) shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) shall support his or her dependents and meet other family responsibilities;
- 6) shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) shall notify the probation officer at least ten days prior to any change in residence or employment;
- 8) shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 9) shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 11) shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 12) shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 15) shall not possess a firearm or destructive device.

FILED  
U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH CENTRAL DIVISION**

BRENT DODD,

Plaintiff,

vs.

CHARTER OAK FIRE INSURANCE CO.,  
Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*

**AMENDED SCHEDULING ORDER**

Case No. 1:06cv00020  
District Judge David Sam

**1. PRELIMINARY MATTERS:**

- a. The nature of the claims and affirmative defenses is: This is an action for benefits pursuant to the provisions of an underinsured motorist coverage of an automobile insurance policy issued by Defendant. Plaintiff claims injuries suffered in an automobile collision he was involved in are in excess of the value of the insurance proceeds which he recovered from the allegedly negligent driver and that he is entitled to the benefits of the policy of underinsured motorist coverage which was in effect on the vehicle he was operating. Plaintiff further contends that Defendant has acted in bad faith and in violation of the covenant of good faith and fair dealing inherent in the insurance contract by, amongst others, being dilatory and refusing to provide sufficient information so as to allow Plaintiff to arbitrate his claims.

Defendant denies Plaintiff's allegations and contends that Plaintiff has not taken any steps to effectuate arbitration.

- b. This case is   X   not referred to a magistrate judge  
\_\_\_\_\_ referred to magistrate judge *name of magistrate judge*  
\_\_\_\_\_ under 636(b)(1)(A)

\_\_\_\_\_ under 636(b)(1)(B)

- c. Pursuant to Fed. R.Civ.P. 26(f), a meeting was held on December 6, 2007 via telephone.

The following were in attendance:

David Bert Havas, counsel for Brent Dodd

Martha Knudson, counsel for Charter Oak Fire Insurance Company

- d. The parties \_\_\_\_\_ request /  X  do not request an initial pretrial scheduling conference with the court prior to entry of the scheduling order. An initial pretrial scheduling conference is set before Magistrate Judge \_\_\_\_\_ on \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_ m.
- e. The parties  x  have exchanged or \_\_\_\_\_ will exchange by \_\_\_\_\_ the initial disclosures required by Rule 26(a)(1).

**2. ELECTRONIC SERVICE:**

Pursuant to Fed. R. Civ. P. 5(b)(2)(D), the parties agree to receive all items required to be served under Fed.R.Civ.P. 5(a) by either ( i ) notice of electronic filing, or (ii) e-mail transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.

**3. DISCOVERY PLAN:** The parties jointly propose to the court the following discovery plan:

- a. Discovery is necessary on the following subjects: all issues of liability and damages.
- b. Discovery Phases: Discovery will not be done in phases.
- c. Designate the discovery methods to be used and the limitations to be imposed.
- (1) *For oral exam depositions, (I) specify the maximum number for the plaintiff(s) and the defendant(s), and (ii) indicate the maximum number of hours unless extended by agreement of the parties.*

Oral Exam Depositions

Plaintiff(s)  10

Defendant(s)  10

Maximum no. hrs. per deposition  7

- (2) *For interrogatories, requests for admissions, and requests for production of documents, specify the maximum number that will be served on any party by any other party.*

Interrogatories 25

Admissions 25

Requests for production of documents 25

- (3) Other discovery methods: None.

**4. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES**

- a. The cutoff dates for filing a motion to amend pleadings are: *specify date*  
Plaintiff(s) 12/14/06 Defendant(s) 1/27/07
- b. The cutoff dates for filing a motion to join additional parties are: *specify date*  
Plaintiff(s) 12/5/06 Defendants(s) 12/5/06

*(NOTE: Establishing cutoff dates for filing motions does not relieve counsel from the requirements of Fed.R.Civ.P. 15(a)).*

**5. EXPERT REPORTS**

- a. Reports from experts under Rule 26(a)(2) will be submitted on: *specify dates*  
Plaintiff(s): 3/9/07  
Defendant(s): 4/13/07  
Counter reports: 5/11/07

**6. OTHER DEADLINES**

- a. Discovery cutoff: Fact: 2/16/07 Expert 3/27/07
- b. (optional) Final date for supplementation of disclosures under Rule 26 (a)(3) and of discovery under Rule 26 (e)     /     /
- c. Deadline for filing dispositive or potentially dispositive motions and Daubert motions is 5/29/07.

7. **ADR/SETTLEMENT:**

- a. The potential for resolution before trial is: \_\_\_\_ good   X   fair \_\_\_\_ poor
- b. This case should be referred to the court's alternative dispute resolution program for arbitration: \_\_\_\_ mediation: \_\_\_\_
- c. The case should be re-evaluated for settlement/ADR resolution on: 2/16/07.

8. **TRIAL AND PREPARATION FOR TRIAL:**

- a. The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3) (if different than 14 days provided by Rule).
- b. This case should be ready for trial by: August, 2007.  
Specify type of trial: Jury   √   Bench \_\_\_\_
- c. The estimated length of the trial is: *specify days* 3

*Final pretrial 8/14/07 at 2:30 P.M.  
3 day jury 8/28/07 at 8:30 A.M. Ad*

DATED this 20<sup>th</sup> day of December, 2006.

BY THE COURT:

*David Sam*  
Honorable Judge David Sam  
United States District Court

APPROVED AS TO FORM:

*David Bert Havas*  
David Bert Havas, Attorney for Plaintiff  
X:\Dodd\amended scheduling order\NEW.WPD

Mark L. McCarty [6001]  
Martha Knudson [8512]  
Paul P. Burghardt [10795]  
**RICHARDS, BRANDT, MILLER & NELSON**  
Attorneys for Plaintiff  
Key Bank Tower, Seventh Floor  
50 South Main Street  
P.O. Box 2465  
Salt Lake City, Utah 84110-2465  
Telephone: (801) 531-2000  
Fax No.: (801) 532-5506

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U.S. DISTRICT COURT  
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2006 DEC 19 A 9:47  
DEC 08 2006 DISTRICT OF UTAH  
OFFICE OF U.S. DISTRICT JUDGE  
BRUCE S. JENKINS DEPUTY CLERK

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

---

KATHLEEN SARIAH PERKINS,

Plaintiff,

v

SILVER MOUNTAIN SPORTS CLUB &  
SPA, a limited liability company,

Defendant.

**ORDER ON MOTIONS HEARD  
DECEMBER 1, 2006**

Case No. 1:06CV00023  
Judge Bruce S. Jenkins

This matter came before the Court for hearing on (1) Plaintiff's Motion for Partial Summary Judgment; (2) Plaintiff's Motion for Summary Judgment Dismissing Defendant's Counterclaims; and (3) Defendant's Cross-Motion for Summary Judgment held on December 1, 2006, before the Honorable Bruce S. Jenkins. Mark L. McCarty and Martha Knudson of RICHARDS BRANDT MILLER & NELSON appeared as counsel for Plaintiff, and Joseph E. Wrona and Bastiaan K. Coebergh of WRONA & PARRISH appeared as counsel for Defendant.

This Court, having heard supporting evidence and argument at the hearing and good cause appearing therefor,

IT IS HEREBY ORDERED:

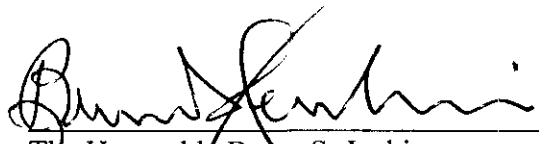
1. Plaintiff's Motion for Summary Judgment Dismissing Defendant's Counterclaims as stated in Defendant's Answer to Amended Complaint and Counterclaim is granted;

2. Plaintiff's Motion for Partial Summary Judgment is denied; and

3. Defendant's Cross-Motion for Summary Judgment is denied.

DATED this 18 day of December, 2006.

BY THE COURT:

  
The Honorable Bruce S. Jenkins  
U.S. DISTRICT COURT JUDGE

APPROVED AS TO FORM:

---

Bastiaan K. Coebergh  
WRONA & PARRISH, P.C.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 8, 2006, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Joseph E. Wrona  
Bastiaan K. Coebergh  
WRONA & PARRISH, P.C.  
1816 Prospector Avenue, Suite 100  
Park City, UT 84060  
*Attorneys for Defendant*

---

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2006 DEC 19 A 9:47

DISTRICT OF UTAH

BY: DEPUTY CLERK

OFFICE OF U.S. DISTRICT JUDGE  
BRUCE S. JENKINS

SCOTT W. CHRISTENSEN, UBN 0649  
PLANT, CHRISTENSEN & KANELL, P.C.  
136 East South Temple, Suite 1700  
Salt Lake City, Utah 84111  
(801) 363-7611  
Attorneys for Defendant Plaintiff

IN THE UNITED STATES DISTRICT COURT,  
DISTRICT OF UTAH, NORTHERN DIVISION

WEBER STATE FEDERAL CREDIT  
UNION,

Plaintiff,

v.

CUMIS INSURANCE SOCIETY, INC.,

Defendant.

**SCHEDULING ORDER**

Case No. 1:06CV00128 BSJ  
Judge Bruce S. Jenkins

The initial scheduling conference was held before the Court on Monday, December 4, 2006 at 1:20 p.m. Scott W. Christensen appeared on behalf of the plaintiff, F. Joseph Nealon and Craig H. Howe appeared on behalf of the defendant. After discussions with counsel, the Court entered the following Order:

- a. Discovery is necessary on all issues raised in the pleadings.
- b. All discovery, factual and expert, will be completed no later than June 8, 2007.

c. The following discovery methods will be used:

  x   Interrogatories

  x   Requests for Admission

Interrogatories will be limited to 25, including subparts. There will be no restrictions on Requests for Admissions.

  x   Oral Exam Depositions

       Written Questions Depositions

Each party will be restricted to 10 factual depositions. Except as otherwise provided herein, each deposition shall last no longer than 7½ hours unless extended by agreement of the parties. There will be no limitations upon the number of expert depositions. The parties acknowledge that the deposition of plaintiff's corporate designee(s) is expected to exceed 7½ hours. The parties will proceed in good faith to agree upon a reasonable and sufficient amount of time for the deposition of plaintiff's corporate designee(s).

  x   Other discovery methods: Requests for Production of Documents.

d. Reports from retained experts under Rule 26(a)(2) will be submitted on:

April 13, 2007 by plaintiff

May 11, 2007 by defendant

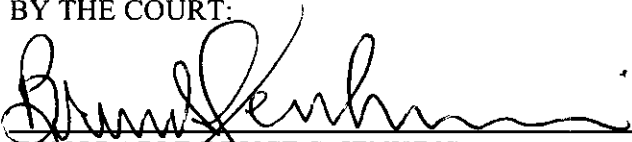
e. Supplementations shall be made in accordance with Rule 26(e) of the Federal Rules of Civil Procedure.

f. The cutoff date for filing dispositive or potentially dispositive motions is July 16, 2007.

- g. The cutoff dates for joining additional parties are:  
Plaintiff January 12, 2007 Defendant February 16, 2007.
- h. The cutoff dates for amending pleadings are:  
Plaintiff February 16, 2007. Defendant February 16, 2007.
- i. A final pretrial conference will be held on September 28, 2007, at 9:30 a.m..
- j. An agreed upon pretrial order is to be submitted to the Court on or before September 26, 2007.
- k. At the pretrial conference, counsel for the parties shall be prepared to discuss legal theories, legal authorities and the facts.

Dated this 18 day of December, 2006.

BY THE COURT:

  
HONORABLE BRUCE S. JENKINS

APPROVED AS TO FORM:

*/s/ Craig H. Howe*

---

F. JOSEPH NEALON  
CRAIG H. HOWE  
Attorneys for Defendant

United States District Court  
for the District of Utah

**Request and Order for Modifying Conditions of Supervision  
With Consent of the Offender**

(Waiver of hearing attached)

FILED  
U.S. DISTRICT COURT

2006 DEC 20 P 12: 01

DISTRICT OF UTAH

Name of Offender: **Steven Creed Boyer**

Docket Number: **2:05-cr-100-001-TS**  
BY: **DEPUTY CLERK**

Name of Sentencing Judicial Officer: **Honorable David K. Winder**  
**Senior United States District Judge**

Date of Original Sentence: **October 6, 2003**

Original Offense: **Possession of a Listed Chemical**

Original Sentence: **60 Months BOP, 36 Months Supervised Release**

Type of Supervision: **Supervised Release**

Supervision Began: **August 18, 2006**

**PETITIONING THE COURT**

☒ To modify the conditions of supervision as follows:


The defendant shall reside in a community treatment center for a period of 120 days, with work release, educational release, medical release, release to attend religious services, release to participate in treatment, or other approved leave as deemed appropriate by the probation office or community treatment center.

**CAUSE**

On November 29, 2006, Mr. Boyer quit his job after getting into an argument with a coworker and has not secured employment since that date. On December 18, 2006, Mr. Boyer submitted a urine specimen which tested positive for amphetamine. On December 19, 2006, Mr. Boyer acknowledged to the United States Probation Officer that on December 17, 2006, he used methamphetamine. Mr. Boyer indicated that he was in a traffic accident on December 17, 2006, which caused extensive damage to his vehicle. He was frustrated and upset after the accident and decided to use methamphetamine.

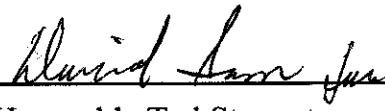
Mr. Boyer has an extensive substance abuse history. For approximately the last five weeks, he has been attending intensive outpatient substance abuse treatment. Placement at the community treatment center will not disrupt Mr. Boyer's substance abuse treatment program and will provide structure. Additionally, he will be given assistance in finding employment.

I declare under penalty of perjury that the foregoing is true and correct.

  
Shelley Mangum, U.S. Probation Officer  
December 20, 2006

**THE COURT ORDERS:**

- ☒ The modification of conditions as noted above  
☐ No action  
☐ Other

  
\_\_\_\_\_  
Honorable Ted Stewart  
United States District Judge

Date: 12/20/06

PROB 49

Steven Creed Boyer  
2:02-CR-00100-001-TSFILED  
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA  
PROBATION AND PRETRIAL SERVICES OFFICE

2006 DEC 20 P 12:02

WAIVER OF RIGHT TO HEARING PRIOR TO  
MODIFICATION OF CONDITIONS OF SUPERVISION

BY: Shelley Mangum  
I have been advised by United States Probation Officer Shelley Mangum that she has submitted a petition and report to the Court recommending that the Court modify the conditions of my supervision in Case No. 2:02-CR-00100-001-TS. The modification would be:

~~The defendant shall reside in a community treatment center for a period of 120~~  
days, with work release, educational release, medical release, release to attend religious services, release to participate in treatment, or other approved leave as deemed appropriate by the probation office or community treatment center.

I understand that should the Court so modify my conditions of supervision, I will be required to abide by the new condition(s) as well as all conditions previously imposed. I also understand the Court may issue a warrant and revoke supervision for a violation of the new condition(s) as well as those conditions previously imposed by the Court. I understand I have a right to a hearing on the petition and to prior notice of the date and time of the hearing. I understand that I have a right to the assistance of counsel at that hearing.

Understanding all of the above, I hereby waive the right to a hearing on the probation officer's petition, and to prior notice of such hearing. I have read or had read to me the above, and I fully understand it. I give full consent to the Court considering and acting upon the probation officer's petition to modify the conditions of my supervision without a hearing. I hereby affirmatively state that I do not request a hearing on said petition.

  
Steven Creed Boyer12.20.06  
Date  
Witness: Shelley Mangum  
United States Probation Officer

FILED  
DISTRICT COURT  
2006 DEC 20 A 9 40

**In the United States District Court  
for the District of Utah, Central Division**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$140,000 in lieu of real property located at  
1944 North 205 West, Orem Utah, with all  
Appurtenances and Improvements Thereon,

Defendant.

DISTRICT OF UTAH

BY: ORDER CLERK

Case No. 2:02 CV 310 JTG

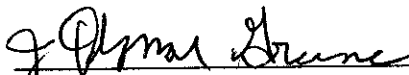
The parties in the above entitled matter jointly filed a Stipulation regarding payments on January 13, 2004. On January 20, 2004, this Court signed an Order Approving Stipulation. No further action by this Court has been required at this time.

Upon review, the Court finds that judicial resources are better utilized elsewhere until such time that a dispute arises.

Based on the foregoing, it is hereby

**ORDERED**, that the above entitled matter is Administratively Closed, and will only be reopened upon a showing of good cause.

DATED this 19th day of December, 2006.

  
THOMAS GREENE  
UNITED STATES DISTRICT JUDGE

DEC 19 2006

MARKUS B. ZIMMER, CLERK  
BY *[Signature]*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TODD ELWIN HULL,

Defendant.

---

:

:

:

:

:

:

ORDER OF RECUSAL

Case No. 2:03-CR-216-003 DKW

I recuse myself in this criminal case, and ask that the appropriate reassignment card be drawn by the clerk's office.

Dated this 19<sup>th</sup> day of December, 2006.

BY THE COURT:

*David K Winder*

---

David K. Winder  
Senior U. S. District Judge

Judge Ted Stewart  
DECK TYPE: Criminal  
DATE STAMP: 12/20/2006 @ 11:44:59  
CASE NUMBER: 2:03CR00216 TS

# United States District Court District of Utah

**FILED**  
U.S. DISTRICT COURT

2006 DEC 19 P 1:06

UNITED STATES OF AMERICA

vs.

**Diane Bennett**

AMENDED JUDGMENT IN A CRIMINAL CASE  
(For Revocation of Probation or Supervised Release)  
(For Offenses Committed On or After November 1, 1987)

BY:

DEPUTY CLERK

Case Number: 2:03-cr-00608-001 DB

Plaintiff Attorney: Lynda Rolston Krause

Defendant Attorney: Jamie Zenger

Atty: CJA \_\_\_ Ret \_\_\_ FPD ☒

Defendant's Soc. Sec. No.: 6834

Defendant's Date of 1958

Defendant's USM No.: 10797-081

Defendant's Residence Address:

217 Jordan View Drive

Sandy, Utah 84070

Country

12/15/2006

Date of Imposition of Sentence

Defendant's Mailing Address:

SAME

SAME

Country

COP \_\_\_\_\_ Verdict \_\_\_\_\_

THE DEFENDANT:

☒ admitted to allegation(s)

1 & 2

☐ pleaded nolo contendere to  
which was accepted by the court.

☐ was found guilty as to allegation(s)

Violation Number

Nature of Violation

Date Violation  
Occurred

1.

Failed to notify probation within 72 hours of being  
arrested.

02/14/2006

2.

Failed to notify probation within 72 hours of being  
arrested.

06/09/2006

☐ The defendant has been found not guilty on

☒ Count(s) 3 & 4. (is)(are) dismissed on the motion of the United States.

## SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that defendant be committed to the custody of the United States Bureau of Prisons for a term of 6 months

Upon release from confinement, the defendant shall be placed on supervised release for a term of 18 months.

☐ The defendant is placed on Probation for a \_\_\_\_\_.  
The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

**The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.**

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

#### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

**In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)**

- 1. The defendant shall reside in a community treatment center for a period of 5 months, with work release, educational release, medical release, release to attend religious services, release to participate in treatment, or other approved leave as deemed appropriate by the probation office or community treatment center.**
- 2. The defendant shall participate in a mental health treatment program under a copayment plan as directed by the probation office, take any mental health medications as prescribed, and not possess or consume alcohol, nor frequent businesses where alcohol is the chief item of order, during the course of treatment or medication.**
- 3. The defendant will submit to drug/alcohol testing as directed by the probation office. If testing reveals drug use or if the probation office determines that an assessment is necessary, the defendant shall participate in a substance abuse evaluation and treatment as recommended under a co-payment plan as directed by the probation office. During the course of treatment, the defendant shall not consume alcohol nor frequent any establishment where alcohol is the primary item of order.**

#### **CRIMINAL MONETARY PENALTIES**

##### **FINE**

**The defendant shall pay a fine in the amount \$ \_\_\_\_\_, payable as follows:**

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while and thereafter pursuant to a schedule established by the U.S. Probation office, based defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other: \_\_\_\_\_

No Fine Imposed

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

**RESTITUTION**

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Household Corporate Investigations PO Box 59570 Schamburg, IL. 60159 Ref No.: 2002007161	5,000.16	5,000.16
MBNA PO Box 15730 Wilmington, DE 19885-5730 Ref No.: 5490 9956 2824 1607	17,383.97	17,383.97
Citi Bank PO Box 3880 Omaha, NE 86103 Ref No.: 4317-9570-069804794	14,840.20	14,840.20
Totals:	\$ 37,224.33	\$ 37,224.33

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☒ Restitution is payable as follows:
- ☒ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other:
- ☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).
- ☐ An Amended Judgment in a Criminal Case will be entered after such determination

**SPECIAL ASSESSMENT**

The defendant shall pay a special assessment in the amount \_\_\_\_\_, payable as

☐ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

### PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

### RECOMMENDATION

☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the of Prisons:

\_\_\_\_\_

### CUSTODY/SURRENDER

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.

☐ The defendant shall report the institution designated by the Bureau of \_\_\_\_\_ by \_\_\_\_\_ Institution's local time, \_\_\_\_\_ on \_\_\_\_\_.

DATE: 12-18-2006



Dee Benson  
United States District Judge

Defendant: Diane Bennett  
Case Number: 2:03-cr-00608-001 DB

Page 5 of 5

**RETURN**

**I have executed this judgment as follows:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Defendant delivered on** \_\_\_\_\_ **to** \_\_\_\_\_  
**a** \_\_\_\_\_ **, with a certified copy of this judgment.**

\_\_\_\_\_  
**UNITED STATES MARSHAL**

**By** \_\_\_\_\_  
**Deputy U.S. Marshal**

UNITED STATES DISTRICT COURT

Central Division

District of

FILED  
U.S. DISTRICT COURT  
Utah  
DEC 19 A 9:49  
BY: DEPUTY CLERK

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Martin Barcenas (aka Martin Barcenas-Martinez)

Case Number: DUTX203CR000652001

USM Number: 10886-081

Rob Hunt, FPD

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1 of the term of supervision.

☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1	The defendant illegally re-entered the United States and was found in Orange County, San Clemente, California on or about 9/27/2004.	

The defendant is sentenced as provided in pages 2 through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

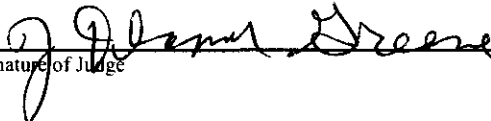
It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc Sec No.: \_\_\_\_\_

11/30/2006

Date of Imposition of Judgment

Defendant's Date of Birth: \_\_\_\_\_

Signature of Judge  


Defendant's Residence Address: \_\_\_\_\_

J. Thomas Greene

U.S. District Judge

Name of Judge

Title of Judge

Date  
December 18, 2006

Defendant's Mailing Address: \_\_\_\_\_

DEFENDANT: Martin Barcenas (aka Martin Barcenas-Martinez)  
CASE NUMBER: DUTX203CR000652-001

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

six months, three months to run concurrently with sentence of ten months imposed in case # 1:06CR00083-001(District of Utah) and three months to run consecutively, for a total sentence of 13 months.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

DEC 19 2006

MARKUS B. ZIMMER, CLERK

DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOODARD CRESSWELL,

Defendant.

---

:

:

:

:

:

:

ORDER OF RECUSAL

Case No. 2:03-CR-00763-003 DKW

I recuse myself in this criminal case, and ask that the appropriate reassignment card be drawn by the clerk's office.

Dated this 19<sup>th</sup> day of December, 2006.

BY THE COURT:

*David K. Winder*

---

David K. Winder  
Senior U. S. District Judge

Judge Dale A. Kimball  
DECK TYPE: Criminal  
DATE STAMP: 12/20/2006 @ 11:45:54  
CASE NUMBER: 2:03CR00763 DAK

---

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

DAVID DODART, an individual, and  
YOUNG AGAIN NUTRITION, LLC, a  
Texas limited liability company, dba YOUNG  
AGAIN NUTRIENTS, LLC, a Texas limited  
liability company,

Plaintiffs and Counterclaim Defendants,

vs.

YOUNG AGAIN PRODUCTS, INC., dba  
YOUNG AGAIN PRODUCTS INTERNET,  
INC., a Maryland corporation,

Defendant and Counterclaim Plaintiff.

ORDER FOR DECLARATORY AND  
INJUNCTIVE RELIEF AND SETTING  
PRELIMINARY INJUNCTION  
HEARING AND DEADLINES

Case No. 2:03-CV-00035 PGC

On December 14, 2006, the parties appeared before this court via a telephone conference for a status hearing, for scheduling, and Defendant Young Again Product's request for a temporary restraining order and declaratory and injunctive relief. The court grants the request for the temporary restraining order, enters the following declaratory and injunctive relief, and sets a preliminary injunction hearing and deadlines as follows.

## TEMPORARY RESTRAINING ORDER

Products alleges that John Acord, marketing manager and employee of Nutrition, has transferred the uniform resource locator “youngagain.com” to a foreign entity. Products therefore seeks a temporary restraining order barring transfer of several URLs. The court grants Products’ request, subject to subsequent orders by this court or the bankruptcy court. The court HEREBY ORDERS Products’ counsel to prepare and submit a temporary restraining order for the court’s signature. The court sets a hearing on December 20, 2006, at 3:30 p.m, at which the court will determine whether to issue a preliminary injunction barring the transfer of any URLs.

## PERMANENT DECLARATORY AND INJUNCTIVE RELIEF

Following a bench trial on liability, the court issued Findings of Facts of Conclusions of Law. The court directed Products to draft a proposed order for permanent declaratory and injunctive relief based upon the findings and conclusions. After Products submitted its proposed order, Nutrition submitted objections and proposed changes to the order.

The short version of the parties’ dispute over the scope of the injunction is that Products seeks an order requiring Nutrition to transfer several URLs using “young again” and barring Nutrition from using the URLs for any purpose. Nutrition responds that the order should not transfer the URLs and that the order should only bar Nutrition from using the URLs to distribute nutritional and health supplements and related products. The parties have raised issues regarding the ownership of the URLs. Products alleges that misrepresentations have been made about the ownership. The parties also dispute whether Nutrition’s use of the URLs for purposes other than nutritional and health supplements and related products would constitute dilution. As the court has

previously recognized, the issues of whether the URLs should be transferred to Products and whether Nutrition can use the URLs for other purposes are complex, require serious consideration, and warrant additional argument by the parties in court. Accordingly, the court reserves a determination as to these issues. The court, however, is satisfied that based upon its Findings of Fact and Conclusions of Law, Products is at least entitled to the following declaratory and injunctive relief. The court, however, may issue additional injunctive relief. Accordingly, at this time, the court HEREBY ORDERS as follows:

1. The Defendant Young Again Products, Inc. is the exclusive owner of all right, title and interest in and to the famous trademark “Young Again,” and holds the exclusive right to use the mark in connection with the marketing, sale, and distribution of nutritional and health supplements and related products.

2. The Plaintiff Young Again Nutrition, LLC dba Young Again Nutrients, LLC, and its respective officers, directors, agents, servants, employees, members, attorneys, predecessors, successors, and assigns, including but not limited to John Acord, Marcella Ortega and Sean Ortega, and all other persons in concert or participation with them who receive actual notice of this order by personal service, service by mail, or otherwise, or any one of them (collectively the Enjoined Parties), are HEREBY PERMANENTLY ENJOINED and RESTRAINED, both jointly and severally, from any and all use of the mark “Young Again,” any designation, name, or mark that consists of or incorporates the terms “Young Again,” or any other designations, names, marks, or terms confusingly similar to the mark “Young Again,” used in connection with the marketing, sale and distribution of nutritional and health supplements and related products. Accordingly, all

references to the mark “Young Again” hereinafter shall be deemed to refer to the mark “Young Again;” any designation, name, or mark that consists of or incorporates the terms “Young Again;” or any other designations, names, marks, or terms confusingly similar to the mark “Young Again.”

3. Such cessation of use by the Enjoined Parties of the aforementioned marks, designations, names, or terms shall include, but not be limited to: the destruction of any and all printed matter consisting of or incorporating the mark “Young Again,” including but not limited to product labels, letterhead, invoices, business cards, envelopes, packaging material, promotional flyers, brochures, newsletters, or other promotional or marketing materials, used in connection with the marketing, sale and distribution of nutritional and health supplements and related products. The Enjoined Parties shall complete the above within thirty (30) days of the effective date of this order.

4. Within fourteen (14) days of the effective date of this order, the Enjoined Parties must remove all references to the mark “Young Again” from all websites and web pages owned or controlled by the Enjoined Parties through which nutritional and health supplements and related products are marketed, sold, or distributed. Nutrition shall confirm compliance in writing to counsel for the Plaintiff, with a copy thereof to be provided simultaneously to Defendant’s counsel and to the court.

5. Within thirty (30) days of the effective date of this order, the Enjoined Parties shall cease all marketing, sales, and distribution of all nutritional and health supplements and related products bearing any designation, name, or mark that consists of or incorporates the mark “Young Again.” Nutrition shall confirm compliance in writing to counsel for the Plaintiff, with a copy thereof to be provided simultaneously to Defendant’s counsel and to the court.

6. Within fourteen (14) days of the effective date of this order, the Enjoined Parties must cease printing, or causing to be printed, on their product labels, packaging, boxes, promotional and marketing material, letterhead, envelopes, shipping labels, or other printed material, any designation, name, or mark that consists of or incorporates the mark “Young Again” in connection with the marketing, sale or distribution of nutritional and health supplements and related products. Nutrition shall confirm compliance in writing to counsel for the Plaintiff, with a copy thereof to be provided simultaneously to Defendant’s counsel and to the court. The Enjoined Parties shall not be required to retrieve any of the above listed materials which were distributed prior to the entry of the order and which are outside the control of the Enjoined Parties. The marketing or sale of such items, however, may well be a willful violation of trademark laws.

7. Within sixty (60) days of the effective date of this order, the Enjoined parties must cease all advertising, including pay-for-placement search engine advertising and other forms of on-line advertising, that contains or involves any designation, name, term, or mark that consists of or incorporates the mark “Young Again” in connection with the marketing, sale or distribution of nutritional and health related products. Nutrition shall confirm compliance in writing to counsel for the Plaintiff, with a copy thereof to be provided simultaneously to Defendant’s counsel and to the court.

8. Any wilful failure of compliance or violation of this order by the Enjoined Parties shall result in a contempt order by this court, which shall include a damages award to the Defendant in the amount of \$1,000.00 per day from the date the violation first occurred through an until the Enjoined Parties provide this court with proof of compliance. The contempt order shall

also include an award of attorney's fees and costs incurred to enforce this order.

9. This court shall retain jurisdiction over this matter to enforce this order and in addition to the monetary relief set forth in paragraph eight (8) above, this court may award other monetary or non-monetary relief or take any other action as the court deems necessary, just or proper to ensure compliance with this order.

10. The effective date of this order is December 14, 2006. The order is effective as of 11:26 a.m. mountain standard time.

#### SCHEDULING

The court is anxious to resolve this matter, including the damages phase. Products has agreed to file a motion for summary judgment on damages. Accordingly, the court HEREBY ORDERS:


1. A hearing on whether the court should enter a preliminary injunction barring transfer of any URLs shall be held before the court on December 20, 2006, at 3:30 p.m.

2. On or before January 5, 2007, Nutrition shall file a statement regarding the status of the ownership of the URLs and allegations that misrepresentations regarding the ownership of the URLs have been made. Products shall file any response on or before January 19, 2007.

3. Nutrition shall have 21 days to respond to the summary judgment motion on damages;  
Products shall have 14 days to reply.

SO ORDERED.

DATED this 19th day of December, 2006.

A handwritten signature in black ink, appearing to read "Paul Cassell", is written above a horizontal line.

Honorable Paul G. Cassell  
United States District Judge

In the United States District Court  
for the District of Utah, Central Division

FILED  
DISTRICT COURT  
2006 DEC 20 A 9 40

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

vs.

BRYAN KEITH HAWKER, and G.  
HAWKER & STONE, LLC.,

Defendants.

DISTRICT OF UTAH  
BY: \_\_\_\_\_  
ORDER DEPUTY CLERK

Case No. 2:03 CV 260 JTG


The plaintiff in the above entitled matter filed a Motion for an Order to Distribute Funds to Customers As Partial Restitution. The Court issued an Order for Partial Distribution of Restitution on October 25, 2004. On March 26, 2006, the Court issued an Order Concerning Restitution and a Civil Monetary Penalty. This Order states that the Court will retain jurisdiction to assure compliance.

Upon review, the Court finds that judicial resources are better utilized elsewhere until such time that a dispute arises.

Based on the foregoing, it is hereby

**ORDERED**, that the above entitled matter is Administratively Closed, and will only be reopened upon a showing of good cause.

DATED this 19th day of December, 2006.

  
J. THOMAS GREENE  
UNITED STATES DISTRICT JUDGE

Order prepared and submitted by:

HERSCHEL J. SAPERSTEIN (2861)  
STEVEN W. CALL (5260)  
RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
P.O. Box 45385  
Salt Lake City, UT 84145-0385  
Telephone (801) 532-1500  
Telefax (801) 532-7543  
Attorneys for the Receiver, Steven W. Call

FILED  
U.S. DISTRICT COURT

2006 DEC 20 A 10: 27

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAYSOURCE LLC, PROVIDENT  
MANAGEMENT GROUP, INC.,  
PROVIDENT BUSINESS PARTNERS, INC.,  
SCOTT M. BOLEY, DOUGLAS C. MORBY,  
ROBERT A. LANGFORD, ZEPHYR TRUST,  
SCOTT M. BOLEY, as Trustee of the  
ZEPHYR TRUST, OMEGA RESOURCES  
GROUP TRUST, DOUGLAS C. MORBY, as  
Trustee OF OMEGA RESOURCES GROUP  
TRUST, TIMPVIEW MARKETING TRUST,  
DOUGLAS C. MORBY, as Trustee of  
TIMPVIEW MARKETING TRUST, ALBION  
TECH TRUST, ROBERT A LANGFORD, as  
Trustee of the ALBION TECH TRUST,  
MARITIME GROUP TRUST, SCOTT M.  
BOLEY, as Trustee of MARITIME GROUP  
TRUST, LANGFORD TRUST, ROBERT A.  
LANGFORD, as Trustee of the LANGFORD  
TRUST,

Defendants.

Civil No. 2:03CV 0306 TC

**ORDER APPROVING APPLICATIONS  
FOR FEES AND COSTS MADE BY RAY  
QUINNEY & NEBEKER AND CBIZ  
ACCOUNTING TAX & ADVISORY OF  
UTAH, LLC**

Hon. Tena Campbell

Magistrate Judge Wells

The above-entitled case having come on for hearing before the Honorable Magistrate Judge Brooke C. Wells on the 20th day of December, 2006, to consider the *Fourth Verified Application of the Receiver and Ray Quinney & Nebeker P.C. for Approval of Fees and Reimbursement of Costs* and the *Second Verified Application for Accounting Fees of CBIZ Accounting, Tax & Advisory of Utah, LLC* formerly known as, CBIZ FPG Business Services, Inc. Having determined that the applications were duly filed with the Court and duly served upon all necessary parties; and that no objection to either application has been filed with the Court and no one has appeared in opposition thereto; and finding that the foregoing attorneys' fees and costs of the Receiver and his counsel Ray Quinney & Nebeker P.C. and the accounting fees of CBIZ Accounting, Tax & Advisory of Utah, LLC are reasonable for the work and services that have been performed; and for other good cause appearing, NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

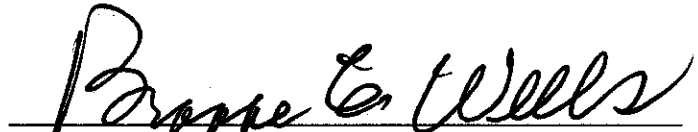
1. That the fourth verified application of the Receiver and Ray Quinney & Nebeker P.C. for professional fees and reimbursement of costs is hereby approved and allowed in the amount of \$109,500.50 in fees and \$15,433.11 for costs expended for the time period of November 1, 2005 November 15, 2006.

2. That the Second verified application of CBIZ Accounting, Tax & Advisory of Utah, LLC, accountants for the Receiver, for accounting fees and services is hereby approved and allowed in the amount of \$48,327.82 for the time period September 2, 2005 through November 10, 2006.

3. That the Receiver, Steven W. Call, is hereby authorized, empowered and directed to pay the interim compensation and reimbursement of costs to Ray Quinney & Nebeker P.C. and CBIZ Accounting, Tax & Advisory of Utah, LLC, as hereinabove allowed.

DATED this 20 day of December, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Brooke C. Wells", is written over a horizontal line.

MAGISTRATE BROOKE C. WELLS  
United States District Court Magistrate

FILED  
U.S. DISTRICT COURT

2006 DEC 19 P 2:17

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

HOLME ROBERTS & OWEN LLP  
George M. Haley (# 1302)  
Jay D. Gurmankin (# 1275)  
Chris R. Hogle (# 7223)  
Richard D. Flint (# 7525)  
299 South Main Street, Suite 1800  
Salt Lake City, Utah 84111-2263  
Telephone: (801) 521-5800  
Facsimile: (801) 521-9629

Daniel W. Jackson (# 1633)  
Attorney at Law  
2157 South Lincoln St. (940 East)  
Salt Lake City, Utah 84106  
Telephone: (801) 596-8338  
Facsimile: (801) 364-5645

*Attorneys for the Plaintiffs*

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

ALBRIGHT, *et al.*,

Plaintiffs,

v.

ATTORNEYS' TITLE INSURANCE FUND,  
a Florida business trust, *et al.*,

Defendants.

**ORDER MODIFYING  
BRIEFING SCHEDULE**

Case No. 2:03CV00517

Judge Dee V. Benson  
Magistrate Samuel Alba


Based upon the stipulation of counsel, and good cause otherwise appearing, the Court  
HEREBY ORDERS that the briefing schedule relating to the Motion for Partial Summary  
Judgment filed by defendants Attorneys' Title Insurance Fund and Attorneys' Title Fund, Inc.  
(collectively the "Florida Fund"), shall be modified as follows:

<u>Activity</u>	<u>Former Deadline</u>	<u>New Deadline</u>
Plaintiffs' Opposition to The Motion for Partial Summary Judgment . . . . .	Dec. 29, 2006	Jan. 5, 2007
The Florida Fund's Reply In Support of Partial Summary Judgment. . . . .	Jan. 12, 2007	Jan. 19, 2007

The parties shall serve one another by hand delivery before the close of business on the day of their respective deadlines.

DATED this 18<sup>th</sup> day of December, 2006.

BY THE COURT


  
Hon. Samuel Alba

APPROVED AS TO FORM:

SNELL & WILMER LLP

/s/ (James D. Gardner)  
Alan L. Sullivan  
Matthew L. Lalli  
James D. Gardner  
*Attorneys for The Florida Fund*

HOLME ROBERTS & OWEN LLP

  
George M. Haley  
Jay D. Gurmankin  
Chris R. Hogle  
Richard D. Flint  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of December, 2006, I electronically filed the foregoing **ORDER MODIFYING BRIEFING SCHEDULE** with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the following:

Alan L. Sullivan  
Matthew L. Lalli  
James D. Gardner  
Snell & Wilmer LLP  
15 West South Temple, Suite 1200  
Gateway Tower West  
Salt Lake City, Utah 84101-1004

Gregory J. Sanders  
Stephen D. Kelson  
Kipp & Christian  
10 Exchange Place, Suite 400  
Salt Lake City, Utah 84111

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM-ECF participants:

Brent Reid  
Main Street Financial  
3072 South Main Street  
Salt Lake City, Utah 84115-3747



---

FILED  
U.S. DISTRICT COURT

2006 DEC 20 A 10:45

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

HOLME ROBERTS & OWEN LLP  
George M. Haley (# 1302)  
Jay D. Gurmankin (# 1275)  
Chris R. Hogle (# 7223)  
Richard D. Flint (# 7525)  
299 South Main Street, Suite 1800  
Salt Lake City, Utah 84111-2263  
Telephone: (801) 521-5800  
Facsimile: (801) 521-9629

Daniel W. Jackson (# 1633)  
Attorney at Law  
2157 South Lincoln St. (940 East)  
Salt Lake City, Utah 84106  
Telephone: (801) 596-8338  
Facsimile: (801) 364-5645

*Attorneys for the Plaintiffs*

---

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

ALBRIGHT, *et al.*,

Plaintiffs,

v.

ATTORNEYS' TITLE INSURANCE FUND,  
a Florida business trust, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFFS'  
MOTION FOR LEAVE TO FILE  
RESPONSE TO ATIF'S OBJECTION TO  
MAGISTRATE JUDGE ALBA'S  
DECEMBER 4, 2006 ORDER ON  
PLAINTIFFS' MOTION TO COMPEL**

Case No. 2:03CV00517

Judge Dee V. Benson  
Magistrate Samuel Alba

Based upon Plaintiffs' motion and supporting memorandum, and good cause otherwise appearing, the Court HEREBY ORDERS that Plaintiffs' motion is GRANTED.

DATED this 19<sup>th</sup> day of December, 2006.

BY THE COURT

Dee Benson  
Judge Dee Benson

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of December, 2006, I electronically filed the foregoing **ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO FILE RESPONSE TO ATIF'S OBJECTION TO MAGISTRATE JUDGE ALBA'S DECEMBER 4, 2006 ORDER ON PLAINTIFFS' MOTION TO COMPEL** with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the following:

Alan L. Sullivan  
Matthew L. Lalli  
James D. Gardner  
Snell & Wilmer LLP  
15 West South Temple, Suite 1200  
Gateway Tower West  
Salt Lake City, Utah 84101-1004

Gregory J. Sanders  
Stephen D. Kelson  
Kipp & Christian  
10 Exchange Place, Suite 400  
Salt Lake City, Utah 84111

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM-ECF participants:

Brent Reid  
Main Street Financial  
3072 South Main Street  
Salt Lake City, Utah 84115-3747

/s/ Dixie L. Bailey

1 GARY E. DI GRAZIA (198)  
2 DAVID M. STANTON (4389)  
3 GOICOECHEA DIGRAZIA P 1: 53  
4 COYLE & STANTON, LTD.  
5 Attorneys for Defendants  
6 530 Idaho Street  
7 Post Office Box 1358,  
8 Elko, Nevada 89801  
9 Telephone: (775) 738-8091  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

FILED  
U.S. DISTRICT COURT  
SO ORDERED

ED STEWART  
United States District Judge

Date December 20th, 2006

9  
10 IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH  
11 NORTHERN DIVISION

12 WENDOVER CITY, a Utah Municipal  
13 Corporation,

14 Plaintiff,

15 vs.

16 WEST WENDOVER CITY, a Nevada  
17 Municipal Corporation, JOSEPHINE  
18 THAUT, and John Does 1 through 10,

19 Defendants.

20  
21  
22  
23  
24  
25  
26  
27  
28

STIPULATION TO FOR  
EXTENSION OF TIME TO  
FILE RESPONSIVE  
DOCUMENTS

No.2:03-CV-00523

District Judge Ted Stewart  
Magistrate Judge Samuel Alba

21 On November 28, 2006, Plaintiff WENDOVER CITY, a Utah Municipal Corporation  
22 (hereinafter "Plaintiff") filed its Motion and Memorandum in Support of Motion for Attorney's  
23 Fees (Doc. # 80), which includes voluminous exhibits. Defendants WEST WENDOVER CITY,  
24 a Nevada Municipal Corporation, JOSEPHINE THAUT (hereinafter "Defendants") seeks  
25 additional time to analyze those exhibits and respond to the information contained therein. In  
26 addition, due to the Holidays, Plaintiff will require additional time to reply to the responsive  
27  
28

1 document filed by the Defendants.

2 Accordingly, the parties agree and stipulate that the due date for the Defendants'  
3 Opposition to the Plaintiff's Motion and Memorandum in Support of Motion for Attorney's Fees  
4 should be extended to Wednesday, December 20, 2006 and the due date for the Plaintiff's Reply  
5 thereto should be extended to Friday, December 29, 2006. The parties respectfully request by  
6 signing this Stipulation that the Court enter an appropriate order extending the due dates in the  
7 manner stated above.  
8

9 **DATED** this 12<sup>th</sup> day of December, 2006.

10 **SNOW, CHRISTENSEN & MARTINEAU**

11  
12 /S/

13  
14 \_\_\_\_\_  
15 Harold G. Christensen  
16 Julianne P. Blanch  
17 Attorneys for Plaintiff

18 **GOICOECHEA, DI GRAZIA, COYLE &**  
19 **STANTON, LTD.**

20 /S/

21 \_\_\_\_\_  
22 Gary E. Di Grazia  
23 David M. Stanton  
24 Attorneys for Defendants

25 **RANDS, SOUTH, GARDNER & HETEVY**

26 /S/

27 \_\_\_\_\_  
28 Douglas R. Rands  
Attorney for Defendants

BRETT L. TOLMAN, United States Attorney  
RICHARD W. DAYNES, Assistant United States Attorney (#5686)  
Attorneys for the United States of America  
185 South State Street, Suite 400  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682

FILED  
U.S. DISTRICT COURT  
2006 DEC 19 P 3:36  
DISTRICT OF UTAH  
BY: \_\_\_\_\_  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW SHAWN IZENBERG,

Defendant.

:  
:  
2:04-CR-137 BSJ  
:  
ORDER OF REVOCATION  
:  
Judge Bruce S. Jenkins  
:  
:

---

On December 12, 2006, the above entitled case came before the Court for a hearing in review of defendant's violation of his conditions of supervised release. Matthew Shawn Izenberg was represented by Mary Corporon and the United States was represented by Richard W. Daynes. The defendant Matthew Shawn Izenberg admitted to Allegations 1 through 4 of the Petition and Order. The Court having received defendant's admission to violating the terms of his supervised release and that the Allegations 1 through 4 are true and correct,

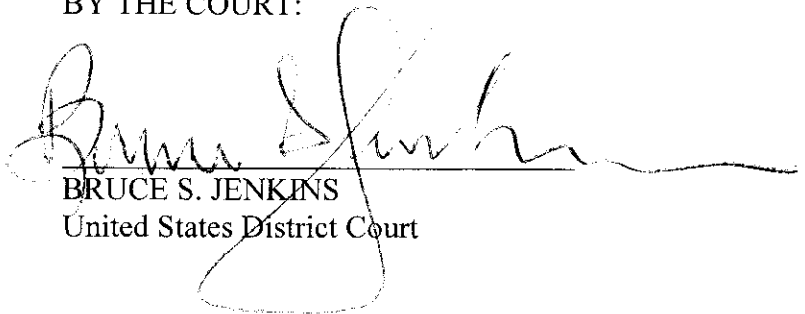
THE COURT HEREBY FINDS: that defendant has violated the conditions of his supervised release by submitting urine samples which have tested positive for methamphetamine

use, missing randomly scheduled urine collections, and missing scheduled substance abuse therapy sessions at Odyssey House urinalysis. The Order of supervised release is revoked.

IT IS HEREBY ORDERED: the matter is set for sentencing December 20, 2006, at 3:00 pm.

DATED this 19 day of December, 2006.

BY THE COURT:



BRUCE S. JENKINS  
United States District Court

STEPHEN J. SORENSON  
United States Attorney  
JEANNETTE F. SWENT (#6043)  
Assistant United States Attorney  
185 South State Street, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 524-5682

**FILED**  
U.S. DISTRICT COURT  
2006 DEC 19 P 1:06  
DISTRICT OF UTAH  
BY: \_\_\_\_\_  
DEPUTY CLERK

ANTON L. JANIK, JR. (*Pro Hac Vice*)  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 683  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 305-2558

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA )

Plaintiff, )

v. )

CLEALON B. MANN; NANELL H. )  
MANN; RONALD J. PASKETT; )  
MARSHA M. PASKETT; CARDIFF )  
ASSOCIATED PROPERTY OWNERS; )  
SALT LAKE COUNTY, UTAH; )  
UTAH STATE TAX COMMISSION; )  
NORMA K. BROWN, as conservator )  
for MORBA H. CLEMENT; NORMA )  
K. BROWN, as trustee for THE )  
MORBA H. CLEMENT FAMILY )  
TRUST )

Defendants. )

) **Civil No. 2:04CV00205 DB**  
)  
) **ORDER GRANTING JOINT MOTION**  
) **TO CONTINUE TIME TO FILE**  
) **DISPOSITIVE MOTIONS**

Upon motion of the parties, and for good cause showing, this Court hereby  
GRANTS the parties' motion and orders that the deadline for filing dispositive motions is  
continued to February 15, 2007.

DATED at Salt Lake City, Utah on December 18<sup>th</sup>, 2006.

BY THE COURT:

  
United States District Judge

Respectfully submitted this 14th day of December, 2006.

STEPHEN J. SORENSON  
United States Attorney

JEANNETTE F. SWENT (#6043)  
Assistant United States Attorney

s/ Anton L. Janik, Jr.  
ANTON L. JANIK, JR.  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 683  
Washington, DC 20044  
Telephone: (202) 305-2558

Prepared and Submitted By:

Mark R. Gaylord (#5073)  
Craig H. Howe (#7552)  
BALLARD SPAHR ANDREWS & INGERSOLL, LLP  
One Utah Center, Suite 600  
201 South Main Street  
Salt Lake City, Utah 84111-2221  
Telephone: (801) 531-3000  
Facsimile: (801) 531-3001

Attorneys for Fleet Credit Card Services, L.P.

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

CAROL PEREZ,

Plaintiff,

vs.

FLEET CREDIT CARD SERVICES, L.P.;  
COLLECTION LAW CENTER,

Defendants.

ORDER OF DISMISSAL WITH  
PREJUDICE AS TO FLEET CREDIT  
CARD SERVICES, L.P.

Case No. 2:04CV00612 DAK

---

Based on the Motion and Stipulation for Dismissal With Prejudice as to Fleet Credit Card Services, L.P. filed by Plaintiff, Carol Perez (“Perez”), and Defendant Fleet Credit Card Services, L.P. (“Fleet”) in this action, and good cause appearing therefor,

IT IS HEREBY ORDERED as follows:

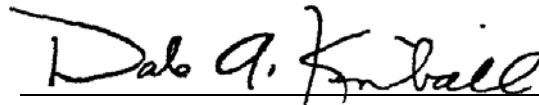
1. The Motion for Dismissal With Prejudice as to Fleet Credit Card Services, L.P. is  
GRANTED;

2. This action and all claims asserted herein against Fleet are hereby dismissed with prejudice, Perez and Fleet to bear their respective attorneys' fees and costs; and

3. This Order shall not affect Perez's claims against any other defendant in this action.

DATED this 20<sup>th</sup> day of December 2006.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

Honorable Dale A. Kimball  
United States District Court, District of Utah

APPROVED AS TO FORM:

/s/ Douglas Stowell

Douglas Stowell

Attorney for Carol Perez

*(Signed copy of document bearing signature  
of Mr. Stowell is being maintained in the office  
of Fleet's counsel)*

Bryan K. Benard, 9023  
HOLLAND & HART LLP  
60 E. South Temple, Suite 2000  
Salt Lake City, Utah 84111-1031  
(801) 595-7800

*Attorneys for Defendants*

FILED  
U.S. DISTRICT COURT

**RECEIVED**

DEC 20 2006

2006 DEC 20 P 3:21

DISTRICT OF UTAH OFFICE OF  
JUDGE TENA CAMPBELL

BY: \_\_\_\_\_  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

CHRISTINE M. DINIZ and MICHAEL  
DINIZ,

Plaintiffs,

v.

UNITED PARCEL SERVICE,  
INCORPORATED and AETNA  
HEALTH & LIFE INSURANCE  
COMPANY

Defendants.

) ORDER DISMISSING CLAIMS WITH  
) PREJUDICE

) Civil No. 2:04CV00815 TC

) Judge Tena Campbell

)

---

Based upon the joint stipulation and motion of Plaintiffs Christine M. Diniz and Michael Diniz and Defendants United Parcel Service and AETNA Health & Life Insurance Company, and good cause appearing therefore,

IT IS ORDERED by the Court that all pending claims of Plaintiffs in this action are DISMISSED WITH PREJUDICE against Defendants United Parcel Service and AETNA Health & Life Insurance Company, with each party bearing its own costs, and that this matter should be closed.

Dated: Dec 20, 2006

BY THE COURT

A handwritten signature in black ink, reading "Tena Campbell". The signature is written in a cursive, flowing style.

---

Judge Tena Campbell  
United States District Court Judge

FILED  
U.S. DISTRICT COURT **RECEIVED**

2006 DEC 20 P 3: 20 DEC 20 2006

DISTRICT OF UTAH  
**JUDGE TENA CAMPBELL**

ROBERT L. STEVENS [3105]  
RICHARDS, BRANDT, MILLER & NELSON  
**Attorneys for Defendant Price City**  
Key Bank Tower, Seventh Floor  
50 South Main Street / P.O. Box 2465  
Salt Lake City, Utah 84110-2465  
Telephone: (801) 531-2000 / Fax No.: (801) 532-5506

BY: \_\_\_\_\_  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

---

PACIFIC FRONTIER, INC., a Nevada Corp.,  
J&L DISTRIBUTING, INC., a Nevada Corp.,  
EDMAN & SONS, INC. dba KIRBY OF UTAH  
and IDAHO, a Utah Corp., REDWOOD  
DIVISION PRO CLUB 100%, INC., a California  
Corp., GPM, INC., a Utah Corp., GENEVA  
DISTRIBUTING, INC., a Utah Corp.,

Plaintiffs,

vs.

PRICE CITY, a municipal corp., JOE L.  
PICCOLO, in his official capacity as Mayor Price  
City, NICK SAMPINOS, in his official capacity  
as Price City Attorney, ALEX SHILAOS, in his  
official capacity as Chief of Police of Price City,  
and BETTY P. WHEELER, STEPHEN L.  
DENISON, RICHARD TATTON, JEANNE  
MCEVEY and JOE CHRISTMAN, in their  
official capacities as members of the Price  
City Council, Jane or John Does I-X,

Defendants.

**ORDER  
OF DISMISSAL**

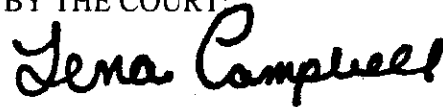
Case No. 2:04CV00853  
Judge Tena Campbell

The Court, having reviewed the Stipulation between plaintiffs and defendants and defendants' Motion to Dismiss, and good cause appearing therefore, it is hereby

ORDERED that plaintiffs' claims against all defendants are hereby dismissed, with prejudice, each side to bear their own costs.

DATED this 20th day of December, 2006.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

---

HONORABLE TENA CAMPBELL  
United States District Judge

APPROVED AS TO  
FORM AND CONTENT:

/S/ CRAIG L. TAYLOR  
CRAIG L. TAYLOR  
Attorney for Plaintiffs

GAEDS\DOCS\16208\0039\IM6403.WPD

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

KLEIN-BECKER USA, LLC,  
Plaintiff,

vs.

ALL WEB LLC, et al.,  
Defendants.

ORDER

Case No. 2:05-CV-518 TC

---

Defendants have filed a motion seeking an expedited briefing schedule and consideration of their Objection to United States Magistrate Judge Wells' December 12, 2006 Order denying their Motion for Protective Order. For good cause shown, the court GRANTS Defendants' request for expedited briefing and consideration. It is hereby ORDERED that if Plaintiff is going to oppose Defendants' Objection, it must do so no later than January 2, 2007. A hearing on the Objection is set for Wednesday, January 3, 2007, at 11:45 a.m. in Room 230 before Judge Tena Campbell.

DATED this 20th day of December, 2006.

BY THE COURT:



TENA CAMPBELL  
United States District Judge

HOWREY LLP  
Gary F. Bendinger (0281)  
Scott D. McCoy (9749)  
170 South Main Street, Suite 400  
Salt Lake City, UT 84101  
Telephone: (801) 533-8383  
Facsimile: (801) 531-1486

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

KLEIN-BECKER usa, LLC, a Utah Limited Liability Company,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	AMENDED STIPULATED
	)	SCHEDULING ORDER FOR
	)	EXPEDITED DISCOVERY
	)	RELATING TO ORDER TO
	)	SHOW CAUSE
ALL WEB LLC, a New Jersey Limited Liability Company dba ALL WEB NUTRITION, INC., LIPOSLIM SYSTEMS, STERLING-GRANT LABORATORIES, ROB DENTE, an individual, and John Does 1 through 10,	)	Case No. 2:05cv00518 TC
	)	Judge Tena Campbell
Defendants.	)	Magistrate Judge Brooke C. Wells
	)	
	)	
	)	
	)	

Pursuant to the Court's Minute Entry,<sup>1</sup> the parties stipulate to the following amendments and additions to the Court's Scheduling Order<sup>2</sup> for the parties' expedited discovery under the Federal Rules of Civil Procedure relating to compliance with the Court's Consent Judgment and Order.<sup>3</sup> These amendments and additions are necessitated by the filing, briefing, and hearing on Defendants' Motion for Protective Order.<sup>4</sup> Except for the amendments and additions noted below, the Court's Scheduling Order<sup>5</sup> is not altered by this Order.

<sup>1</sup> Docket No. 65.

<sup>2</sup> Docket No. 39.

<sup>3</sup> Docket No. 11.

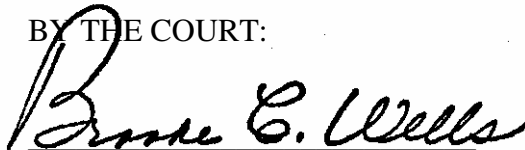
<sup>4</sup> Docket No. 56.

<sup>5</sup> Docket No. 39.

- |    |  |                   |
|----|--|-------------------|
| 1. | DISCOVERY LIMITATIONS  | <u>NUMBER</u>     |
| a. | All depositions (including third-party depositions) shall be conducted on or before <sup>6</sup> | <u>01/19/2007</u> |
| b. | All Rule 34 inspections, if any, shall be conducted on or before                                 | <u>01/19/2007</u> |
- 
- |    |  |      |                   |
|----|--|------|-------------------|
| 2. | HEARING AND PREPARATION FOR HEARING                                    | TIME | DATE              |
| a. | Witness lists, exhibit lists, and demonstratives shall be exchanged by |      | <u>01/24/2006</u> |
| b. | Hearing  |      |                   |
- The Court has scheduled an evidentiary hearing for January 8-9, 2007. Due to the volume of discovery remaining, and contingent upon the Court's schedule, the parties request that the scheduled evidentiary hearing be continued until a date on or after 01/29/2007 but not later than 02/09/2007.
- c. All Motions in Limine must be raised in writing seven (7) calendar days before the first day of the evidentiary hearing. Any opposition briefing must be filed by the close of business on the second business day following service of such motion. Any reply memorandum must be filed by the close of business one day later.

Dated this 20th day of December, 2006.

BY THE COURT:



Brooke C. Wells  
United States Magistrate Judge

---

<sup>6</sup> Plaintiff Klein-Becker usa, LLC notes that several third-party subpoenas are outstanding and are likely to become or have already become the subject of motions to compel and/or motions to quash. Klein-Becker usa, LLC shall notify the Court as soon as practicable if the resolution of any such motion is likely to necessitate any change to the Court's Amended Scheduling Order. Defendants are aware of these outstanding subpoenas and are likely to oppose any further amendment of the Court's Scheduling Order or Amended Scheduling Order.

AGREED AS TO FORM

EPSTEIN BECKER & GREEN, PC

BY: /s/ Richard T. Ruzich  
Richard T. Ruzich  
Attorney for Defendants

---

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

KLEIN-BECKER usa, LLC, a Utah Limited  
Liability Company,

Plaintiff,

vs.

ALL WEB LLC a New Jersey Limited  
Liability Company dba ALL WEB  
NUTRITION, INC., et al.,

Defendants.

ORDER OF REFERENCE

Civil No. 2:05 CV 518 TC

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(B) and the rules of this court, the following motions are referred to United States Magistrate Judge Brooke C. Wells: Dkt # 68 All Web's Motion for Partial Summary Judgment as to Liquidated Damages, and Dkt # 21 Plaintiff's Motion for Order to Show Cause and Sanctions. Judge Wells is directed to manage the case, receive all motions, hear oral arguments, conduct evidentiary hearings as deemed appropriate, and to submit to the undersigned judge a report and recommendation for the proper resolution of dispositive matters presented.

DATED this 20th day of December, 2006.

BY THE COURT:



TENA CAMPBELL  
United States District Judge

FILED  
U.S. DISTRICT COURT

2006 DEC 20 A 10:44

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

Gregory W. Stevens (# 7315)  
Cottonwood Corporate Center  
2825 East Cottonwood Parkway, Suite 500  
Salt Lake City, UT 84121  
Telephone: (801) 990-3388  
Facsimile: (801) 273-1215  
*Attorney for Plaintiff*

Phillip S. Ferguson (# 1063)  
Heidi G. Goebel (# 10343)  
CHRISTENSEN & JENSEN, P.C.  
50 South Main Street, Suite 1500  
Salt Lake City, UT 84114  
Telephone: (801) 323-5000  
Facsimile: (801) 355-3472  
*Attorneys for Defendants*

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

BASE TELECOM INC.,

*Plaintiff,*

vs.

NACT TELECOMMUNICATIONS, INC.,  
ERIC GURR, CARL SALISBURY, and  
DOES 1 through 5,

*Defendant.*

**ORDER REGARDING DISCOVERY AND  
DAMAGES EVIDENCE PRODUCED BY  
BASE TELECOM, INC.**

Case No. 2:05-cv-00659 DB  
Judge Dee Benson

---

This matter comes before the Court on the Stipulation Regarding Discovery and Damages  
Evidence Produced by Base Telecom, Inc. filed by Plaintiff/Counter-Defendant, Base Telecom, and

Defendant/Counter-Claimant, NACT Telecommunications and Defendants Eric Gurr and Carl Salisbury. Upon consideration of the foregoing Stipulation, the Court hereby finds the following:

1. On December 30, 2005 and January 6, 2006, Defendants served written discovery requests on Plaintiff.

2. On January 30, 2007, Plaintiff responded to these written discovery requests.

3. Plaintiff's responses to the written discovery requests did not include document production for a number of the written requests.

4. Shortly thereafter, Defendants requested supplementation of the responses.

5. The parties subsequently engaged in a lengthy series of communications, both written and verbal, in an attempt to resolve their discovery dispute. Through these discussions, some additional documents were produced, but there were still several discovery requests for which no documentation had been provided.

6. On August 26, 2006, Defendants filed a Motion to Compel the production of the documents and information previously requested.

7. The parties again engaged in a series of communications in an attempt to resolve the discovery dispute.

8. Plaintiff has now represented that it has produced all of the documents relating to its damages that it is able and/or willing to produce.

Based upon the foregoing, the Court hereby Orders:

Plaintiff will be limited at trial to using the following evidence to prove its damages:

a. The data contained on the nine compact disks provided by Plaintiff to Defendants;

b. The documents produced by Plaintiff in conjunction with its Initial Disclosures which bear no Bates numbers;

c. The documents produced by Plaintiff in response to Defendants' written discovery requests which bear no Bates numbers;

d. The documents produced by Defendants in conjunction with their Initial Disclosures bearing Bates numbers NACT000001 through NACT000146;

e. The documents produced by Defendants in response to Plaintiff's written Discovery Requests bearing Bates numbers NACT000147 through NACT000290;

f. The documents produced by Plaintiff bearing Bates numbers Base 0001 through Base 0408; and

g. Transcripts of the depositions taken in this case.

If Plaintiff recovers additional data, information or documents relating to its damages or has recovered additional data, information or documents since September 14, 2006, such data, information or documents will not be admissible at trial.

IT IS SO ORDERED this 20<sup>th</sup> day of December, 2006.

BY THE COURT:



DEE BENSON  
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Gregory W. Stevens

Gregory W. Stevens  
*Attorney for Plaintiff*

CHRISTENSEN & JENSEN, P.C.

/s/ Heidi G. Goebel

Phillip S. Ferguson  
Heidi G. Goebel  
*Attorneys for Defendants*

FILED  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

DISTRICT OF UTAH

BY: DEPUTY CLERK

NORTH AMERICAN COMPANY FOR  
LIFE AND HEALTH INSURANCE,

Plaintiff,

vs.

PAUL W. ROBINSON,

Defendant.

ORDER OF REFERENCE

Civil No. 2:05-CV-00766

IT IS ORDERED that, as authorized by 28 U.S.C. § 636(b)(1)(A) and the rules of this Court, the above entitled case is referred to Magistrate Judge Warner. The magistrate judge is directed to hear and determine any nondispositive pretrial matters pending before the Court.

DATED this 18<sup>th</sup> day of December, 2006.

BY THE COURT:

  
DEE BENSON  
United States District Judge

FILED  
U.S. DISTRICT COURT

2006 DEC 20 A 10:27

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

DAVID PITTS,

Plaintiff,

vs.

JO ANNE BARNHART, current  
Commissioner of the Social Security  
Administration,

Defendant.

Case No. 2:05-CV-844 BCW

**ORDER**

Magistrate Judge Brooke C. Wells

On August 20, 2006, this court heard oral argument on Mr. Pitt's petition for review of the decision of the Administrative Law Judge (ALJ) and the Commissioner denying his application for Disability Insurance Benefits. Prior to the hearing, the court reviewed relevant case law, the parties' memoranda, and the entire administrative record. Being fully informed the court finds as follows:

The court finds that there is substantial evidence in the record to support the decision of the ALJ.

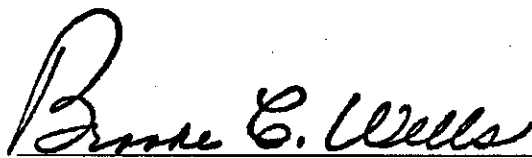
The court further finds that the additional information concerning employment submitted by Mr. Pitts following his hearing with the ALJ provides additional support for the ALJ's credibility finding regarding Mr. Pitts.

The court further finds that the ALJ applied the correct legal standards. This includes the weight given to the opinions of Mr Pitt's treating sources. Given the weight of the contradicting evidence in the administrative record, the court finds that the ALJ properly discounted the opinions of Mr. Pitt's treating sources.

Accordingly, for the foregoing reasons, and for those set forth during the August 20, 2006 hearing, the court AFFIRMS the decision of the Commissioner, and this case is DISMISSED.

The Clerk of the Court is directed to close the case.

DATED this 18th day of December, 2006.

A handwritten signature in cursive script, reading "Brooke C. Wells". The signature is written in dark ink and is positioned above a horizontal line.

Brooke C. Wells  
United States Magistrate Judge

# UNITED STATES DISTRICT COURT

Central

District of

UNITED STATES OF AMERICA

V.

RYAN JAMES FISHER

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX206CR000080-001

USM Number: 13480-081

Robert L. Steele

Defendant's Attorney

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

DEC 19 2006

Utah  
BY MARKUS S. ZIMMER, CLERK  
DEPUTY CLERK

## THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 1030	Intentional Damage to a Protected Computer without		1
(a)(5)(A)(i)	Authorization		

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/13/2006

Date of Imposition of Judgment



Signature of Judge

Paul Cassell

US District Judge

Name of Judge

Title of Judge

Date

12/19/06

DEFENDANT: RYAN JAMES FISHER  
CASE NUMBER: DUTX206CR000080-001

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

24 months

☒ The court makes the following recommendations to the Bureau of Prisons:

Placement at a Camp close to Utah to facilitate family visitation and that the BOP evaluate the medical information provided by Mr. Steele, the defendant's counsel.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before Now on 1/19/2007

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: RYAN JAMES FISHER  
CASE NUMBER: DUTX206CR000080-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: RYAN JAMES FISHER  
CASE NUMBER: DUTX206CR000080-001

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall maintain full-time verifiable employment or participate in academic or vocational development throughout the term of supervision as deemed appropriate by the probation office.
2. The defendant shall refrain from incurring new credit charges or opening additional lines of credit unless he is in compliance with any established payment schedule and obtains the approval of the probation office.
3. The defendant shall provide the probation office access to all requested financial information.
4. The defendant shall participate in a mental health treatment program under a copayment plan as directed by the probation office, take any mental health medications as prescribed, and not possess or consume alcohol, nor frequent businesses where alcohol is the chief item of order, during the course of treatment or medication.
5. The defendant shall complete 50 hours of community service.

DEFENDANT: RYAN JAMES FISHER  
CASE NUMBER: DUTX206CR000080-001

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$ 65,337.60

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Individual names given to Financial Administrator	\$33,117.60	\$33,117.60	
	\$24,220.00	\$24,220.00	
Caldwell, Coombs, & Foley	\$8,000.00	\$8,000.00	
Atten: Boyce Coombs			
92 N. Vernal Ave.			
Vernal, Ut. 84078			

TOTALS	\$ <u>65,337.60</u>	\$ <u>65,337.60</u>
--------	---------------------	---------------------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RYAN JAMES FISHER  
CASE NUMBER: DUTX206CR000080-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 65,437.60 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:  
Special Assessment Fee of \$100 due immediately. The restitution of \$65,337.60 is payable at the rate of \$25 a quarter while incarcerated and a minimum of \$200 a month upon release from incarceration.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10  
are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA

Plaintiff,

CHARLES PHILLIP GRANERE

Defendant

FILED  
U.S. DISTRICT COURT  
2006 DEC 19 P 3:22  
ORDER FOR PSYCHOSEXUAL  
EXAMINATION & TESTING  
BY: DEPUTY CLERK  
2:06-CR-00124-002-TC

It appears that psychosexual examination and testing of the defendant is necessary in order that a more complete presentence report may be prepared pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure.


IT IS THEREFORE ORDERED that the defendant submit to an examination conducted by a qualified practitioner as directed by the Probation Office to provide information to the Court pursuant to 5 U.S.C. § 3109.

IT IS FURTHER ORDERED that investigative information may be released to the provider for purposes of testing and evaluation.

IT IS FURTHER ORDERED that the United States Probation Office shall pay all reasonable and necessary expenses from funds allocated for such purposes.

DATED this 13 day of December, 2006.

BY THE COURT:

  
Tena Campbell  
United States District Judge

FILED  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT

2006 DEC 20 A 10:45

DISTRICT OF UTAH, CENTRAL DIVISION DISTRICT OF UTAH

BY: DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN ANTONIO VAZQUEZ,

Defendant.

: 2:06 CR 196 TC

:

: ORDER CONTINUING HEARING

:

Based upon the government's Motion to Continue the Hearing and the facts set forth therein, the court finds good cause for a continuance.

WHEREAS counsel for the Government is scheduled to be out of town on the current date set for the Hearing;

And WHEREAS the interests of both parties will be served by allowing for additional time to prepare and a change of date and time;

THEREFORE,

*MOTION HEARING*

It is HEREBY ORDERED, that the ~~trial~~ in the above-captioned matter is continued to the 8 day of January, 2007 at 1030. Further, the time between November 28, 2006 and the new hearing date set herein is hereby tolled for purposes of the Speedy Trial

Act.

DATED this 27 day of November, 2006.

BY THE COURT:

Tena Campbell

TENA CAMPBELL  
United States District Court Judge

---

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

RACE GUTKE,

Defendant.

ORDER AMENDING JUDGMENT AND  
COMMITMENT

Case No. 2:06-cr-00234

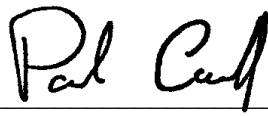
---

Before the court is Gutke's motion to amend the judgment and commitment in the above referenced case (#33). Gutke seeks to amend the judgment and commitment entered in this case to indicate a concurrent sentence with his state commitment, currently being served at the state prison, to allow him to receive credit towards his federal sentence from the time of sentencing in this matter to the time of his parole in the state case (Case No. 031900039, Paragraph 33 of the Presentence Report (#28)). Based on Gutke's motion, and the government's decision not to object, the court GRANTS the motion to amend (#33). It is hereby ORDERED that the judgment and commitment in the above referenced case (90 months total) reflect a concurrent sentence with Gutke's state commitment from the date of sentencing of September 25, 2006.

SO ORDERED.

DATED this 20th day of December, 2006.

BY THE COURT:

A handwritten signature in black ink, reading "Paul Cassell". The signature is written in a cursive, slightly stylized font. The "P" is large and loops around the "a", and the "C" is also large and loops around the "a". The "s" and "e" are smaller and more straightforward. The "l" is a simple vertical stroke.

---

Paul G. Cassell  
United States District Judge

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

DEC 19 2006

BY MARKUS B. ZIMMER, CLERK  
Utah DEPUTY CLERK

# UNITED STATES DISTRICT COURT

Central

District of

UNITED STATES OF AMERICA

V.

STEVEN DON NAISBITT

## JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX06CR000441-001

USM Number: 13476-081

Vanessa Ramos

Defendant's Attorney

### THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 922(g)(1)	Felon in Possession of a Firearm		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) 2,3 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/12/2006

Date of Imposition of Judgment

Signature of Judge

Paul Cassell

Name of Judge

US District Judge

Title of Judge

Date

12/18/06

DEFENDANT: STEVEN DON NAISBITT  
CASE NUMBER: DUTX06CR000441-001

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_

DEPUTY UNITED STATES MARSHAL

DEFENDANT: STEVEN DON NAISBITT  
CASE NUMBER: DUT~~2~~06CR000441-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

24 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: STEVEN DON NAISBITT  
CASE NUMBER: DUTX06CR000441-001

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defray the costs of collection and testing. If testing reveals illegal drug use or excessive and/or illegal consumption of alcohol, such as alcohol-related criminal or traffic offenses, the defendant shall participate in drug and/or alcohol-abuse treatment under a copayment plan as directed by the probation office and shall not possess or consume alcohol during the course of treatment, nor frequent businesses where alcohol is the chief item of order.
2. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by the probation office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

DEFENDANT: STEVEN DON NAISBITT  
CASE NUMBER: DUT~~X~~06CR000441-001

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 500.00	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____ 0.00	\$ _____ 0.00	
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: STEVEN DON NAISBITT  
CASE NUMBER: DUTX06CR000441-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 600.00 due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:  
Special Assessment Fee \$100 due immediately. The \$500 fine is payable at a rate of \$50 a month beginning March 1, 2007

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

UNITED STATES DISTRICT COURT

Central Division

District of

FILED  
U.S. DISTRICT COURT  
Utah

UNITED STATES OF AMERICA

V.

Nua Dominic Tiliaia

JUDGMENT IN A CRIMINAL CASE 41  
2006 DEC 20

Case Number: DUTX206CR000506-001  
DISTRICT OF UTAH

USM Number: 13793-081 BY: DEPUTY CLERK

Lynn Donaldson, FPD

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC Sec. 922(g)(9)	Possession of a Firearm Following a Domestic Violence		1
	Conviction		

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/11/2006

Date of Imposition of Judgment

Signature of Judge

J. Thomas Greene

Name of Judge

U.S. District Judge

Title of Judge

Date

December 19, 2006

DEFENDANT: Nua Dominic Tiliaia  
CASE NUMBER: DUTX206CR000506-001

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

33 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

The court recommends defendant be placed in FCI Terminal Island, California and that he participate in drug treatment and counseling, as well as educational and vocational programs while incarcerated.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Nua Dominic Tiliaia  
CASE NUMBER: DUTX206CR000506-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Nua Dominic Tiliaia  
CASE NUMBER: DUTX206CR000506-001

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defray the costs of collection and testing. If testing reveals illegal drug use or excessive and/or illegal consumption of alcohol such as alcohol-related criminal or traffic offenses, the defendant shall participate in drug/and or alcohol abuse treatment under a co-payment plan as directed by the probation office and shall not possess or consume alcohol during the course of treatment, nor frequent businesses where alcohol is the chief item of order.
2. The defendant shall participate in a mental health treatment program under a co-payment plan as directed by the probation office and take any mental health medications as prescribed.

DEFENDANT: Nua Dominic Tiliaia  
CASE NUMBER: DUTX206CR000506-001

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------


TOTALS	\$ _____	0.00	\$ _____	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Nua Dominic Tiliia  
CASE NUMBER: DUTX206CR000506-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:  
Special Assessment Fee of \$100 is due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

**RECEIVED**

DEC 18 2006 FILED  
U.S. DISTRICT COURT

OFFICE OF 2006 DEC 19 P 3:20  
**JUDGE TENA CAMPBELL**

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEJANDRO HURTADO CABRERA,

Defendant.

Case #: 2:06CR00558-TC

PRELIMINARY ORDER OF  
FORFEITURE

JUDGE TENA CAMPBELL

IT IS HEREBY ORDERED that:

1. As a result of a plea of guilty to Count 1 of the Indictment for which the government sought forfeiture pursuant to 18 U.S.C. § 924(d)(1), the defendant Alejandro Hurtado Cabrera, shall forfeit to the United States all property, real or personal, that is derived from, used, or intended to be used in violation of 18 U.S.C. § 922, including but not limited to:

- Tangfolio TZ75 series 88 .40 caliber pistol, Serial Number: H37940

2. The Court has determined that based on a guilty plea of knowingly possessing a firearm by an illegal alien, that the above-named property is subject to forfeiture, that the defendant had an interest in the property, and that the government has established the requisite nexus between such property and such offense.

3. Upon entry of this Order the Attorney General, or its designee is authorized to seize and conduct any discovery proper in identifying, locating, or disposing of the property subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order the Attorney General or its designee is authorized to

commence any applicable proceeding to comply with statutes governing third party interests, including giving notice of this Order.

5. The United States shall publish notice of this Order on its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject property.

6. Any person, other than the above named defendant, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. Any petition filed by a third party asserting an interest in the subject property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioners claim and relief sought.

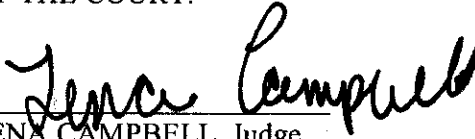
9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Criminal Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided in 21 U.S.C. 853 which is incorporated by 18 U.S.C. § 982(b) for the filing of third party petitions.

12. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated this 19 day of December, 2006.

BY THE COURT:

  
TENA CAMPBELL, Judge  
United States District Court

FILED  
U.S. DISTRICT COURT

2006 DEC 20

RECEIVED

IN THE UNITED STATES DISTRICT COURT OF UTAH COUNTY 27 2006

DISTRICT OF UTAH, CENTRAL DIVISION OFFICE OF  
DEPUTY CLERK JUDGE TENA CAMPBELL

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTONIO ZALDIVAR,

Defendant.

: 2:06 CR 672 TC  
:  
:  
: ORDER CONTINUING HEARING  
:

Based upon the government's Motion to Continue the Hearing and the facts set forth therein, the court finds good cause for a continuance.

WHEREAS the government and the defendant have been involved in negotiations aimed at arriving at a plea agreement in this case, and there remains a strong possibility of the parties reaching such an agreement;

And WHEREAS counsel for the Government is scheduled to be out of town on the current date set for the Hearing;

And WHEREAS the interests of both parties will be served by allowing for additional time to prepare;

THEREFORE,

It is HEREBY ORDERED, that the trial in the above-captioned

*Motioning*

matter is continued to the 9<sup>th</sup> day of January, 2007 at 10<sup>00</sup> am

Further, the time between November 28, 2006 and the new hearing date set herein is hereby tolled for purposes of the Speedy Trial Act.

DATED this 27 day of Nov, 2006.

BY THE COURT:

Tena Campbell

TENA CAMPBELL  
United States District Court Judge

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

FILED  
U.S. DISTRICT COURT  
2006 DEC 19 A 9 52  
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUGO RAMOS-IBARRA,

Defendant.

BY: DEPUTY CLERK

**ORDER TO CONTINUE**

Case No. 2:06CR690 TS

Honorable Ted Stewart

Based upon the motion by defendant, Hugo Ramos-Ibarra, stipulation by the government, and good cause appearing;

IT IS HEREBY ORDERED that the change of plea and sentencing hearing set for December 14, 2006, in the above-entitled matter is continued until the **25<sup>th</sup> day of January, 2007, at 3:00 p.m.**

Pursuant to 18 U.S.C. § 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between December 4, 2006 and January 25, 2007, shall be excluded for purposes of speedy trial calculation.

SIGNED BY MY HAND this 19<sup>th</sup> day of December, 2006.

BY THE COURT:

  
HONORABLE TED STEWART  
United States District Court Judge

UNITED STATES DISTRICT COURT FILED  
U.S. DISTRICT COURT

CENTRAL DIVISION

District of

UTAH

UNITED STATES OF AMERICA

V.

MAURICIO CHRISTOFER HUAZO-PEREZ

JUDGMENT IN A CRIMINAL CASE

DISTRICT OF UTAH

Case Number: DUTX 2006CR000723-001

USM Number: 35911-048

Carlos Garcia

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8 U.S.C. § 1326	Reentry of a Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/18/2006

Date of Imposition of Judgment

Signature of Judge

The Honorable Ted Stewart

U. S. District Judge

Name of Judge

Title of Judge

12/20/2006

Date

DEFENDANT: MAURICIO CHRISTOFER HUAZO-PEREZ  
CASE NUMBER: DUTX 206CR000723-001

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

33 months

☒ The court makes the following recommendations to the Bureau of Prisons:

Incarceration in the state of Arizona.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MAURICIO CHRISTOFER HUAZO-PEREZ

CASE NUMBER: DUTX 206CR000723-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

24 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: MAURICIO CHRISTOFER HUAZO-PEREZ  
CASE NUMBER: DUTX 206CR000723-001

### **ADDITIONAL SUPERVISED RELEASE TERMS**

The defendant shall not re-enter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of arrival in the United States.

DEFENDANT: MAURICIO CHRISTOFER HUAZO-PEREZ  
CASE NUMBER: DUTX 206CR000723-001

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
--------	----------------	----------------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: MAURICIO CHRISTOFER HUAZO-PEREZ  
CASE NUMBER: DUTX 206CR000723-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

FILED

BRETT L. TOLMAN, United States Attorney (#8821)  
PAUL F. GRAF, Special Assistant United States Attorney (#1229) DEC 18 2006  
Attorneys for the United States of America  
192 East 200 North, Suite 200  
St. George, Utah 84770  
Telephone: (435) 634-2480

ROBERT T. BRAITHWAITE  
U.S. MAGISTRATE

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,	:	
	:	ORDER TO CONTINUE TRIAL
Plaintiff,	:	
	:	
vs.	:	
	:	2:06-CR-745
ANTHONY D. JAUREQUE,	:	
	:	
Defendant.	:	Magistrate Judge Robert T. Braithwaite

---

Based on the United States of America's motion,

IT IS HEREBY ORDERED that the trial presently scheduled for January 18,  
2007 be continued to February 15, 2007 at 1:30 p.m..

DATED this 18 day of December, 2006.

  
Magistrate Judge Robert T. Braithwaite

2006 DEC 20 A 11:19

DISTRICT OF UTAH

---

BY: \_\_\_\_\_  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS JULIO FLORES, aka  
CARLOS FLORES-JULIO,

Defendant.

Case No. 2:06CR00866 TC

ORDER SETTING DISPOSITION  
DATE AND EXCLUDING TIME  
FROM SPEEDY TRIAL  
COMPUTATION

---

This matter came before this Court on December 19, 2006, for the purpose of an initial appearance and arraignment. The defendant, who was present, was represented by Jason Velez. The United States was represented by Assistant United States Attorney Adam S. Elggren. This defendant has been charged with Illegal Reentry of a Previously Removed Alien in violation of 8 U.S.C. § 1326.

The United States Attorney's Office for the District of Utah has indicated that this defendant meets the eligibility requirements for the "fast-track" benefit, namely, an additional reduction in his or her sentence. However, in order to

derive the benefit of this reduction, the defendant must agree to certain conditions as set forth in the fast-track program.

This defendant did not, and is not required at this hearing, to enter a plea of guilty, nor is he required at this hearing to commit to enter a plea of guilty. However, the defendant, through counsel, has indicated that he wishes to preserve his opportunity to participate in the program, and has consented, in writing, to the initiation and disclosure to the Court and the parties of a pre-plea disposition report.

The defendant has requested that this Court set this matter for a status/change of plea hearing date approximately 55 days from the date of this initial appearance and arraignment. Counsel for the defendant has indicated that such will afford counsel the time necessary to meaningfully explain to the defendant the details of the fast-track program and its potential application to this case. Additionally, this time will provide the defendant an adequate opportunity to make an informed decision whether to participate in the program. Therefore, based upon the reasons set forth above, this Court ORDERS that this matter be scheduled for February 13<sup>th</sup> at 2:30pm

This Court finds, pursuant to 18 U.S.C. § 3161(h)(1)(I), that this period of delay is a result of the necessary consideration by the Court and parties of this proposed plea agreement. Additionally, this Court finds, pursuant to 18 U.S.C.

§ 3161(h)(8)(A), that the ends of justice outweigh the best interest of the public and defendant in a speedy trial and that, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that the failure to grant such a continuance would deny counsel for the defendant and the defendant the reasonable time necessary for effective preparation and for discussion and deliberation of the proposed plea agreement, taking into account the exercise of due diligence, and would therefore result in a miscarriage of justice. Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3161(h), all time between December 19, 2006, (the date of this appearance), and February 13<sup>th</sup> (the date of the scheduled status hearing) is excluded from computing the time within which the trial of this matter must commence.

DATED this 19 day of December, 2006.

BY THE COURT:



---

David O. Nuffer  
United States Magistrate Judge

CLERK, U.S. DISTRICT COURT  
December 20, 2006 (2:11pm)  
DISTRICT OF UTAH

## United States District Court

CENTRAL DISTRICT OF UTAH

UNITED STATES OF AMERICA  
v.ORDER SETTING  
CONDITIONS OF RELEASE

ROBERT ALFRED GATES

Case Number: 2:06-CR-868 TC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified) \_\_\_\_\_

PLACE

on \_\_\_\_\_

DATE AND TIME

## Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ( ) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

\_\_\_\_\_ dollars (\$ ) \_\_\_\_\_

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

**Additional Conditions of Release**

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:  
(Name of person or organization)  
(Address)  
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_

Custodian or Proxy

☒ (7) The defendant shall:

- ☒ (a) maintain or actively seek employment.
- ☐ (b) maintain or commence an educational program.
- ☒ (c) abide by the following restrictions on his personal associations, place of abode, or travel:  
maintain residence at the address reported to PTS. No change without prior permission of PTS.
- ☐ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
- ☒ (e) report on a regular basis to the supervising officer as directed.
- ☐ (f) comply with the following curfew:
- ☐ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ☐ (h) refrain from excessive use of alcohol.
- ☒ (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
- ☐ (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
- ☐ (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
- ☐ (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
- ☐ (m) execute a bail bond with solvent sureties in the amount of \$
- ☐ (n) return to custody each (week)day as of \_\_\_\_\_ o'clock after being released each (week)day as of \_\_\_\_\_ o'clock for employment, schooling or the following limited purpose(s):
- ☐ (o) surrender any passport to
- ☐ (p) obtain no passport
- ☒ (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
- ☒ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
- ☐ (s) submit to an electronic monitoring program as directed by the supervising officer.
- ☒ (t) no travel outside the State of Utah without prior permission of PTS.

**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

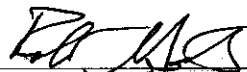
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

Address

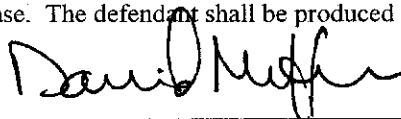
City and State

Telephone

**Directions to the United States Marshal**

(☒) The defendant is ORDERED released after processing.

( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: December 20, 2006

Signature of Judicial Officer

**Magistrate Judge David Nuffer**

Name and Title of Judicial Officer

FILED  
U.S. DISTRICT COURT

2006 DEC 19 P 3:36

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

Michael Patrick O'Brien (USB #4894)  
Ali Levin (USB #9409)  
JONES WALDO HOLBROOK & McDONOUGH PC  
Attorneys for Defendant  
170 South Main Street, Suite 1500  
Salt Lake City, Utah 84101  
Telephone: (801) 521-3200

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION


TIFFANY M. ANDREWS and ERIN	:	
L. DWAN	:	<b>ORDER GRANTING CONTINUANCE</b>
Plaintiffs,	:	<b>OF PRETRIAL CONFERENCE</b>
vs.	:	
	:	
	:	
	:	Case No. 2:06CV00050 BSJ
MAXIM HEALTHCARE SERVICES, INC.:	:	
A Maryland Corporation,	:	Judge: Bruce S. Jenkins
	:	
Defendant.	:	

Defendant Maxim Healthcare Services, Inc. ("Maxim") and Plaintiffs Tiffany M. Andrews and Erin L. Dwan, pursuant to the Joint Motion to Continue Pretrial Conference, herewith stipulate, agree, and consent to continue the pretrial conference, currently scheduled for January 12, 2007. For the reasons specified in the Stipulation, and good cause appearing therefor,

IT IS HEREBY ORDERED that the pretrial conference be and hereby is rescheduled to February 2, 2007 at 10:30 a.m. A joint pretrial memorandum will be filed January 31, 2007.

DATED this 19 day of December, 2006.

BY THE COURT:

  
\_\_\_\_\_  
Bruce S. Jenkins  
U.S. District Court

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of December, 2006, I caused a true and correct copy of the foregoing **ORDER GRANTING CONTINUANCE OF PRETRIAL CONFERENCE**, to be filed via electronic filing, to the following:

Erika Birch  
Strindberg & Scholnick, LLC  
426 North 300 West  
Salt Lake City, Utah 84103

/s/ Karen Richardson

RECEIVED FILED  
U.S. DISTRICT COURT

DEC 18 2006 DEC 19 A 9:47

OFFICE OF U.S. DISTRICT JUDGE  
BRUCE S. JENKINS

BY: DEPUTY CLERK

J. David Nelson (USB No. 2385)  
Robert D. Dahle (USB No. 4819)  
NELSON, SNUFFER, DAHLE & POULSEN P.C.  
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dwoo@fenwick.com; bkohm@fenwick.com

Attorneys for Plaintiff and Counterclaim Defendant  
INTERNATIONAL AUTOMATED SYSTEMS, INC.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

INTERNATIONAL AUTOMATED  
SYSTEMS, INC.,

Plaintiff and Counterclaim  
Defendant,

v.

IBM; IBM CORPORATION; IBM  
PERSONAL COMPUTING DIVISION;  
LENOVO (UNITED STATES) INC.;  
LENOVO GROUP LTD.; UPEK, INC.;  
AND JOHN DOES 1-20

Defendants and Counterclaimants.

 [PROPOSED] PROTECTIVE ORDER

Civil No.: 2:06-cv-00115

Hon. Bruce S. Jenkins

## **1. PURPOSES AND LIMITATIONS**

Disclosure and discovery activity in this action are likely to involve production of confidential, proprietary, or private information for which special protection from public disclosure and from use for any purpose other than prosecuting this litigation would be warranted. This Protective Order does not confer blanket protections on all disclosures or responses to discovery and that the protection it affords extends only to the limited information or items that are entitled under the applicable legal principles to treatment as confidential. As set forth in Section 11, all Parties must comply with DUCivR 5-2 when a Party (defined below) seeks to file material under seal.

## **2. DEFINITIONS**

2.1 Party: any party to this action, including all of its officers, directors, employees, consultants, retained experts, and Outside Counsel (and their support staff).

2.2 Disclosure or Discovery Material: all items or information, regardless of the medium or manner generated, stored, or maintained (including, among other things, testimony, transcripts, and/or tangible things) that are produced or generated in disclosures or responses to discovery in this matter.

2.3 "Highly Confidential" Information or Items: confidential information or items whose disclosure to another Party or nonparty would create a substantial risk of serious injury or competitive disadvantage.

2.4 "Restricted Confidential" Information or Items: "Highly Confidential" information or items that (1) constitute UPEK's future business plans, (2) discuss, disclose or evidence UPEK's or its customers' automated checkout business, or

(3) source code and documents referring or relating to source code development. For the sake of clarity, information or items are not “Restricted Confidential” merely because they disclose confidential information concerning items, such as biometric authentication devices, that are incorporated into UPEK’s or its customers’ automated checkout devices. Rather, “Restricted Confidential” information or items are only those that disclose information concerning UPEK’s or its customers’ actual automated checkout devices and/or business, or source code or documents referring or relating to source code development.

2.5     Receiving Party: a Party that receives Disclosure or Discovery Material from a Producing Party.

2.6     Producing Party: a Party or non-party that produces Disclosure or Discovery Material in this action.

2.7     Designating Party: a Party or non-party that designates information or items that it produces in disclosures or in responses to discovery as “Highly Confidential.”

2.8     Protected Material: any Disclosure or Discovery Material that is designated as “Highly Confidential” or “Restricted Confidential.”

2.9     Counsel or Outside Counsel: attorneys who are not employees of a Party but who are retained to represent or advise a Party in this action.

2.10    Expert: a person with specialized knowledge or experience in a matter pertinent to the litigation who has been retained by a Party or its counsel to serve as an expert witness or as a consultant in this action and who is not a current employee of a Party or of a Party’s competitor and who, at the time of retention, is not anticipated to become an employee of a Party or a Party’s competitor. This definition includes

professional jury or trial consultants retained in connection with this litigation.

2.11 Professional Vendors: persons or entities that provide litigation support services (e.g., photocopying; videotaping; translating; preparing exhibits or demonstrations; organizing, storing, retrieving data in any form or medium; etc.) and their employees and subcontractors.

### **3. SCOPE**

The protections conferred by this Protective Order cover not only Protected Material (as defined above), but also any information copied or extracted therefrom, as well as all copies, excerpts, summaries, or compilations thereof, plus testimony, conversations, or presentations by parties or counsel to or in Court or in other settings that might reveal Protected Material.

### **4. DURATION**

Even after the termination of this litigation, the confidentiality obligations imposed by this Protective Order shall remain in effect until a Designating Party agrees otherwise in writing or a Court order otherwise directs.

### **5. DESIGNATING PROTECTED MATERIAL**

5.1 Exercise of Restraint and Care in Designating Material for Protection. Each Party or non-party that designates information or items for protection under this Protective Order must take care to limit any such designation to specific material that qualifies under the appropriate standards. A Designating Party must take care to designate for protection only those parts of material, documents, items, or oral or written communications that qualify for protection.

Mass, indiscriminate, or routinized designations are prohibited. Designations that are shown to be clearly unjustified, or that have been made for an

improper purpose (*e.g.*, to unnecessarily encumber or retard the case development process, or to impose unnecessary expenses and burdens on other parties), expose the Designating Party to sanctions.

If it comes to a Party's or a non-party's attention that information or items that it designated for protection do not qualify for protection at all, or do not qualify for the level of protection initially asserted, that Party or non-party must promptly notify all other parties that it is withdrawing the mistaken designation. The Designating Party must then replace the mistakenly-designated materials with the copies containing the appropriate designation.

5.2 Manner and Timing of Designations. Except as otherwise provided in this Protective Order (see, *e.g.*, Section 5.2(a), below), or as otherwise stipulated or ordered, material that qualifies for protection under this Order must be clearly so designated before the material is disclosed or produced. Designation in conformity with this Protective Order requires:

(a) for information in documentary form (apart from transcripts of depositions or other pretrial or trial proceedings), that the Producing Party affix the legend "HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL" on each page that contains protected material.

A Party or non-party that makes original documents or materials available for inspection need not designate them for protection until after the inspecting Party has indicated which material it would like copied and produced. During the inspection and before the designation, all of the material made available for inspection shall be deemed "RESTRICTED CONFIDENTIAL." After the inspecting Party has identified the documents it wants copied and produced, the Producing Party must determine which documents, or portions thereof, qualify for protection under this Protective Order. Before producing the specified documents, the Producing Party must affix the appropriate legend

("HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL") on each page that contains Protected Material.

(b) for testimony given in deposition or in other pretrial or trial proceedings, that a Party or non-party identifies on the record at the time the testimony is given, the portions that are protected material. A party shall have up to twenty (20) calendar days after the close of a deposition or other pretrial or trial proceedings within which to designate in writing those portions of any such testimony that constitute protected material. All deposition testimony given or other pretrial or trial proceeding shall be considered "RESTRICTED CONFIDENTIAL" until twenty (20) calendar days after the close of such testimony. Only those portions of the testimony that are appropriately designated for protection within the twenty (20) calendar days shall be covered by the provisions of this Protective Order.

Transcript pages containing Protected Material must be separately bound by the Court reporter, who must affix to each such page the legend "HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL" as instructed by the Party or nonparty offering or sponsoring the witness or presenting the testimony.

(c) for information produced in some form other than documentary, and for any other tangible items, that the Producing Party affix in a prominent place on the exterior of the container or containers in which the information or item is stored the legend "HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL." If only portions of the information or item warrant protection, the Producing Party, to the extent practicable, shall identify the protected portions, specifying whether they qualify as "HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL."

5.3 Inadvertent Failures to Designate. If timely corrected, an inadvertent failure to designate qualified information or items as "HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL" does not, standing alone,

waive the Designating Party's right to secure protection under this Order for such material. If material is appropriately designated as "HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL" after the material was initially produced, the Receiving Party, on timely notification of the designation, must make reasonable efforts to assure that the material is treated in accordance with the provisions of this Protective Order. The Receiving Party, however, is not responsible for harm, if any, caused by dissemination of the material before it was designated as protected material. The Designating Party shall bear the responsibility for replacing a copy of the discovery material with an appropriately designated copy.

## **6. CHALLENGING CONFIDENTIALITY DESIGNATIONS**

6.1 Timing of Challenges. Unless a prompt challenge to a Designating Party's confidentiality designation is necessary to avoid foreseeable substantial unfairness, unnecessary economic burdens, or a later significant disruption or delay of the litigation, a Party does not waive its right to challenge a confidentiality designation by electing not to mount a challenge promptly after the original designation is disclosed.

6.2 Meet and Confer. A Party that elects to initiate a challenge to a Designating Party's confidentiality designation must do so in good faith and must begin the process by conferring directly (in voice to voice dialogue; other forms of communication are not sufficient) with outside Counsel for the Designating Party. In conferring, the challenging Party must explain the basis for its belief that the confidentiality designation was not proper and must give the Designating Party an opportunity to review the designated material, to reconsider the circumstances, and, if no change in designation is offered, to explain the basis for the chosen designation. A challenging Party may proceed to the next stage of the challenge process only if it has engaged in this meet and confer process first.

6.3 Judicial Intervention. A Party that elects to press a challenge to a confidentiality designation after considering the justification offered by the Designating Party may file and serve a motion under DUCivR7-1 that identifies the challenged material and sets forth in detail the basis for the challenge. Each such motion must be accompanied by a competent declaration that affirms that the movant has complied with the meet and confer requirements imposed in the preceding paragraph and that sets forth with specificity the justification for the confidentiality designation that was given by the Designating Party in the meet and confer dialogue.

The burden of persuasion in any such challenge proceeding shall be on the Designating Party. Until the Court rules on the challenge, all parties shall continue to afford the material in question the level of protection to which it is entitled under the Producing Party's designation.

## **7. ACCESS TO AND USE OF PROTECTED MATERIAL**

7.1 Basic Principles. A Receiving Party may use Protected Material that is disclosed or produced by another Party or by a non-party in connection with this case only for prosecuting, defending, or attempting to settle this litigation. Such Protected Material may be disclosed only to the categories of persons and under the conditions described in this Protective Order. When the litigation has been terminated, a Receiving Party must comply with the provisions of section 12, below (FINAL DISPOSITION).

Protected Material must be stored and maintained by a Receiving Party at a location and in a secure manner that reasonably ensures that access is limited to the persons authorized under this Protective Order. Counsel and Experts may transport Protected Material when commuting to or from their office and when traveling.

7.2 Disclosure of “HIGHLY CONFIDENTIAL” Information or Items.

Unless otherwise ordered by the Court or permitted in writing by the Designating Party, a Receiving Party may disclose any information or item designated “HIGHLY CONFIDENTIAL” only to:

(a) the Receiving Party’s Outside Counsel of record in this action, as well as employees of said Outside Counsel to whom it is reasonably necessary to disclose the information for this litigation.

(b) Experts (as defined in this Order) (1) to whom disclosure is reasonably necessary for this litigation, (2) who have signed the “Agreement to Be Bound by Protective Order” (Exhibit A), and (3) as to whom the procedures set forth in paragraph 7.4, below, have been followed;

(c) the Court and its personnel;

(d) Court reporters, their staffs, and professional vendors to whom disclosure is reasonably necessary for this litigation;

(e) the author of the document or the original source of the information; and

(f) non-technical jury or trial consulting services retained by counsel for a Party, subject to and conditioned upon compliance with this Protective Order. In addition, selected items of material designated as “HIGHLY CONFIDENTIAL” (or summaries, analyses or abstracts thereof) may be shown to persons selected to serve as members of focus groups, mock juries or similar studies provided that such persons are screened to ensure that they are not employed by or affiliated with competitors of either of the parties hereto, and provided that such persons agree in writing (although not necessarily in the form of Exhibit A) to keep confidential any information disclosed to them during such studies.

7.3 Disclosure of "RESTRICTED CONFIDENTIAL" Information or Items. Unless otherwise ordered by the Court or permitted in writing by the Designating Party, a Receiving Party may disclose any information or item designated "RESTRICTED CONFIDENTIAL" only to those persons identified in Section 7.2 above, but in no event absent UPEK's written consent or a Court order shall information or items designated "RESTRICTED CONFIDENTIAL" be disclosed to J. David Nelson. In addition, no Party shall disclose any information contained in items designated "RESTRICTED CONFIDENTIAL" to J. David Nelson.

7.4 Procedures for Approving Disclosure of "HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL" Information or Items to "Experts".

(a) Unless otherwise ordered by the Court or agreed in writing by the Designating Party, a Party that seeks to disclose to an "Expert" (as defined in this Protective Order but excluding jury consultants) any information or item that has been designated "HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL" first must make a written request to the Designating Party that (1) sets forth the full name of the Expert and the city and state of his or her primary residence, (2) attaches a copy of the Expert's current resume or C.V., (3) identifies the Expert's current employer(s), (4) identifies each person or entity from whom the Expert has received compensation for work in his or her areas of expertise or to whom the expert has provided professional services at any time during the preceding five years, and (5) identifies (by name and number of the case, filing date, and location of Court) any litigation in connection with which the Expert has provided any professional services during the preceding five years; (6) lists of all papers authored by the Expert during the preceding five years; and (7) lists of all patents and patent applications for which the Expert has been named as an inventor, provided that the patent applications for which the Expert has been named as an inventor

have been published.

(b) After seven calendar days following disclosure, a Party that made a written disclosure by providing the information specified in the preceding paragraph may disclose the “HIGHLY CONFIDENTIAL” or “RESTRICTED CONFIDENTIAL” material to the identified Expert unless, within seven calendar days of delivering the written disclosure, the Party receives a written objection from the Designating Party. Any such objection must set forth in detail the grounds on which it is based. Failure to object in writing to the proposed disclosure shall not preclude a Party from objecting to continued access to material designated as “HIGHLY CONFIDENTIAL” or “RESTRICTED CONFIDENTIAL” by that expert where such facts subsequently learned by the Party or its counsel suggest that a reasonable basis for objecting exists and upon a showing of prejudice by the Party objecting to said disclosure.

(c) When a timely written objection is made, the Parties must meet and confer promptly to try to resolve the matter by agreement. If no agreement is reached, the Party seeking to make the disclosure to the Expert may file a motion as provided in DUCivR7-1 seeking permission from the Court to do so. Any such motion must describe the circumstances with specificity, set forth in detail the reasons for which the disclosure to the Expert is reasonably necessary, assess the risk of harm that the disclosure would entail and suggest any additional means that might be used to reduce that risk. In addition, any such motion must be accompanied by a competent declaration in which the movant describes the Parties’ efforts to resolve the matter by agreement (i.e., the extent and the content of the meet and confer discussions) and sets forth the reasons advanced by the Designating Party for its refusal to approve the disclosure. The burden of persuasion in any such challenge shall be on the Designating Party. Until the Court rules on the challenge, all parties shall continue to afford the material in question the level of protection to which it is entitled under the Producing Party’s designation.

**8. DISCLOSURE OF PROTECTED MATERIAL TO WITNESSES  
PRIOR TO TRIAL**

It is the present intention of the parties that the provisions of this Protective Order shall govern discovery and other pretrial proceedings in this action. In the event this litigation proceeds to trial, the parties shall meet and confer on the procedures necessary to protect the confidentiality of any documents, information and transcripts used in Court during trial so that the parties may jointly propose to the Court an appropriate manner in which to protect any confidential information to be used at trial.

**9. PROTECTED MATERIAL SUBPOENAED OR ORDERED  
PRODUCED IN OTHER LITIGATION**

If a Receiving Party is served with a subpoena or an order issued in other litigation that would compel disclosure of any information or items designated in this action as "HIGHLY CONFIDENTIAL" or "RESTRICTED CONFIDENTIAL," the Receiving Party must so notify the Designating Party, in writing (by fax, if possible) immediately and in no event more than three Court days after receiving the subpoena or order. Such notification must include a copy of the subpoena or Court order.

The Receiving Party also must immediately inform in writing the Party who caused the subpoena or order to issue in the other litigation that some or all the material covered by the subpoena or order is the subject of this Protective Order. In addition, the Receiving Party must deliver a copy of this Protective Order promptly to the Party in the other action that caused the subpoena or order to issue, and, if requested by the designating party, must file appropriate objections to preserve the confidentiality of the materials subject to the subpoena.

The purpose of imposing these duties is to alert the interested parties to the existence of this Protective Order and to afford the Designating Party in this case an opportunity to try to protect its confidentiality interests in the Court from which the

subpoena or order issued and/or in this Court. The Designating Party shall bear the burdens and the expenses of seeking protection in that Court of its confidential material - and nothing in these provisions should be construed as authorizing or encouraging a Receiving Party in this action to disobey a lawful directive from another Court.

#### **10. UNAUTHORIZED DISCLOSURE OF PROTECTED MATERIAL**

If a Receiving Party learns that, by inadvertence or otherwise, it has disclosed Protected Material to any person or in any circumstance not authorized under this Protective Order, the Receiving Party must immediately (a) notify in writing the Designating Party of the unauthorized disclosures, (b) use its best efforts to retrieve all copies of the Protected Material, (c) inform the person or persons to whom unauthorized disclosures were made of all the terms of this Protective Order, and (d) request such person or persons to execute the "Acknowledgment and Agreement to Be Bound" that is attached hereto as Exhibit A.

#### **11. FILING PROTECTED MATERIAL**

Without written permission from the Designating Party or a Court order secured after appropriate notice to all interested persons, a Party may not file in the public record in this action any Protected Material. A Party that seeks to file under seal any Protected Material must comply with DUCivR 5-2. A Designating Party, absent good cause to the contrary, shall be presumed to have consented under DUCivR 5-2 to its Protected Materials being filed under seal, such that a Receiving Party need not notify a Designating Party in advance of what Protected Materials may be the subject of the filing.

#### **12. FINAL DISPOSITION**

Unless otherwise ordered or agreed in writing by the Producing Party, within sixty calendar days after the final termination of this action, each Receiving Party must return or destroy all Protected Material to the Producing Party. As used in this subdivision, "all Protected Material" includes all copies, abstracts, compilations, summaries or any other form of reproducing or capturing any of the Protected Material. Whether the Protected Material is returned or destroyed, the Receiving Party must submit a written certification to the Producing Party (and, if not the same person or entity, to the Designating Party) by the sixty calendar day deadline that identifies (by category, where appropriate) all the Protected Material that was returned or destroyed and that affirms that the Receiving Party has not retained any copies, abstracts, compilations, summaries or other forms of reproducing or capturing any of the Protected Material. Notwithstanding this provision, Counsel are entitled to retain an archival copy of all pleadings, motion papers, transcripts, legal memoranda, correspondence and attorney work product, even if such materials contain Protected Material. Any such archival copies that contain or constitute Protected Material remain subject to this Protective Order as set forth in Section 4 (DURATION), above.

### **13. MISCELLANEOUS**

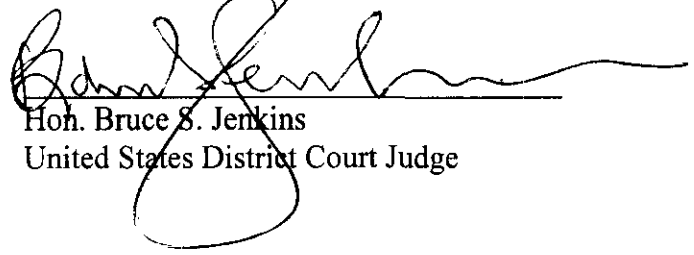
13.1 Right to Further Relief. Nothing in this Protective Order abridges the right of any person to seek its modification by the Court in the future.

13.2 Right to Assert Other Objections. By stipulating to the entry of this Protective Order no Party waives any right it otherwise would have to object to disclosing or producing any information or item on any ground not addressed in this Protective Order. Similarly, no Party waives any right to object on any ground to use in evidence of any of the material covered by this Protective Order.

2:06-cv-115 J  
Prothonotary

**IT IS SO ORDERED.**

Dated: 12/18/06, 2006

  
Hon. Bruce S. Jenkins  
United States District Court Judge

MICHAEL E. BLUE (5258)  
FREDERICK R. THALER, JR. (7002)  
RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
P.O. Box 45385  
Salt Lake City, Utah 84145-0385  
Telephone: (801) 532-1500

*Attorneys for Defendants Hospira, Incorporated,  
Maureen Newman and Michelle Chicola*

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

DEC 19 2006

BY MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

---

FAREEDA YASMEEN,

Plaintiff,

v.

HOSPIRA, INCORPORATED, an Illinois  
corporation, MAUREEN NEWMAN, an  
individual; and MICHELLE CHICOLA, an  
individual,

Defendants.

**ORDER AMENDING  
SCHEDULING ORDER**

Case Number: 2:06CV00507 PGC

Judge: Paul G. Cassell

---

The Court, having considered the Stipulation and Joint Motion of the parties, and for good cause appearing, hereby ORDERS that the fact discovery deadline in this action be extended up to and including April 1, 2007.

DATED this 14<sup>th</sup> day of December, 2006.

BY THE COURT:



---

The Honorable Paul G. Cassell  
United States District Court Judge

APPROVED:

STRINDBERG & SCHOLNICK, LLC

/s/ April L. Hollingsworth

April L. Hollingsworth

Kathryn Harstad

*Attorneys for Plaintiff*

*(Signed by filing attorney with the permission of  
April L. Hollingsworth)*

905384

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of December, 2006, I electronically filed the foregoing **[PROPOSED] ORDER AMENDING SCHEDULING ORDER** with the Clerk of Court using the SM/ECF system, which sent notification of such filing to the following:

April L. Hollingsworth  
Kathryn Harstad  
STRINDBERG & SCHOLNICK, LLC  
426 North 300 West  
Salt Lake City, Utah 84103  
*Attorney for Plaintiff*

and the following non-CM/ECF participant(s) were served by United States First Class Mail, postage prepaid, to the following:

N/A

/s/ Michael E. Blue

905384

Denver C. Snuffer, Jr. (3032)  
**NELSON, SNUFFER, DAHLE & POULSEN, P.C.**  
10885 South State Street  
Sandy, Utah 84070  
Telephone: (801) 576-1400  
Fax: (801) 576-1960

Jesse Riddle (6640)  
**RIDDLE & ASSOCIATES, P.C.**  
11778 South Election Drive, Suite 240  
Draper, Utah 84020-6808  
Telephone: (801) 569-3100  
Facsimile: (801) 569-8700

Attorneys for Plaintiffs

FILED  
U.S. DISTRICT COURT

2006 DEC 20 A 10:45

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

---

**IN AND FOR THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

---

RIDDLE & ASSOCIATES, P.C., a Utah  
corporation, and GREAT SENECA  
FINANCIAL, INC., a Maryland Corporation;

**ORDER TO DISMISS**

Plaintiffs,

v.

Civil No. 2:06cv00727

GERALD LEE TUCKER, JR., an individual,

Judge Tena Campbell

Defendant.

---

Based upon Plaintiff's Motion to voluntarily dismiss the lawsuit, the Court hereby grants the motion and dismisses the lawsuit with prejudice. Each party to bear their own costs and attorney's fees.

DATED this 9th day of December, 2006.

*Tena Campbell*

---

Tena Campbell  
United States District Court Judge

RICHARD A. VAN WAGONER (4690)  
RODNEY R. PARKER (4110)  
SAM HARKNESS (9448)  
SNOW, CHRISTENSEN & MARTINEAU  
10 Exchange Place, Eleventh Floor  
Post Office Box 45000  
Salt Lake City, Utah 84145  
Telephone: (801) 521-9000

*Attorneys for Defendant Val E. Southwick*

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

OAK VALLEY INVESTMENTS, L.P.,	)	ORDER GRANTING
	)	MOTION TO FILE REPLY
Plaintiff,	)	MEMORANDUM IN SUPORT OF MOTION
	)	FOR PROTECTIVE ORDER AND MOTION
v.	)	FOR STAY OF PROCEEDINGS UNDER
	)	SEAL
VAL E. SOUTHWICK, VESCOR	)	
CAPITAL CORP., and VESCOR	)	
DEVELOPMENT, LLC,	)	No. 2:06CV00737 DB
	)	
Defendants and Third-Party	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
BRIAN Y. HORNE and DOES 1 through	)	
10,	)	
	)	
Third-Party Defendants.	)	

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Based upon motion and good cause appearing,

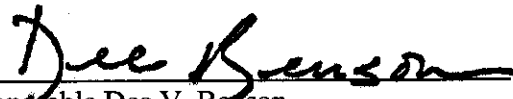
IT IS HEREBY ORDERED:

1. Defendant Val E. Southwick's Reply Memorandum in Support of Motion for Protective Order and Motion for Stay of Proceedings will be filed under seal.

2. The hearing addressing Defendant Southwick's Motion for Protective Order and Motion for Stay of Proceedings will be sealed, including the transcript, and the parties are ordered to maintain the confidentiality of the sealed filings and any proceedings that concern the contents of those sealed filings.

DATED this 19<sup>th</sup> day of December, 2006.

BY THE COURT

  
Honorable Dee V. Benson

Wesley L. Austin (8137)  
Robert S. Rapp (7428)  
**MADSON & AUSTIN, P.C.**  
15 West South Temple, Suite 900  
Salt Lake City, UT 84101  
Tel. (801) 537-1700  
Fax. (801) 537-1799

**FILED**  
U.S. DISTRICT COURT

2006 DEC 20 A 10:44

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

Attorneys for Defendants,  
Brown Shoe Company, Inc., and  
Bennett Footwear Group LLC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DISTRICT**

Metropolitan Trading Co., an India partnership  
composed of Mohamed Yusuf Noorani,  
Mohamed Anees Noorani, Salman Yusuf  
Noorani, Mohamed Awais Noorani and Master  
Musaed Anees Noorani, all citizens of India, and  
Zodiac Private Limited, an India Company,

Plaintiffs,

v.

United States Patent and Trademark Office, a  
U.S. agency; and Brown Shoe Company, Inc., a  
New York corporation, and Bennett Footwear  
Group LLC,

Defendants.

**ORDER FOR EXTENSION OF TIME TO  
RESPOND TO COMPLAINT**

Case No. 2:06-cv-00924-DB

CHIEF JUDGE DEE BENSON

Based on the motion for an extension of Defendants Brown Shoe Company, Inc., and  
Bennett Footwear Group LLC, the consent of Plaintiffs' counsel, and Rules 6(b) and 12 of the  
Federal Rules of Civil Procedure, and good cause appearing,

IT IS HEREBY ORDERED that the time for Defendants Brown Shoe Company, Inc., and Bennett Footwear Group LLC to answer or otherwise respond to the Complaint is extended through and including Tuesday, January 9, 2007.

DATED this 19<sup>th</sup> day of December, 2006

BY THE COURT:

  
Chief Judge Dee Benson  
United States District Court Judge

**United States District Court**

United States Courthouse  
Salt Lake City, Utah 84101

**Dee Benson**  
*United States District Chief Judge*

**FILED**  
U.S. DISTRICT COURT  
2006 DEC 20 A 8:00  
801-524-6160  
DISTRICT OF UTAH  
BY:                       
DEPUTY CLERK

**MEMORANDUM**

**TO:** Markus Zimmer  
Clerk of Court

**FROM:** Dee Benson  
U.S. District Chief Judge

Judge J. Thomas Greene  
DECK TYPE: Civil  
DATE STAMP: 12/20/2006 @ 07:59:18  
CASE NUMBER: 2:06CV00997 JTG

**DATE:** December 19 2006

**SUBJECT:** Bonnie M. Christensen v. David Carroll, et al

I find that I must recuse myself from this case.

Would you please see that this case is reassigned to another judge pursuant to our computer program.

Dee Benson



Chief Judge

**In the United States District Court  
for the District of Utah, Central Division**

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH  
DEC 20 2006  
BY MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

BONNIE M. CHRISTENSEN,

Plaintiff,

vs.

DAVID CARROLL STEPHENSON, et al.,

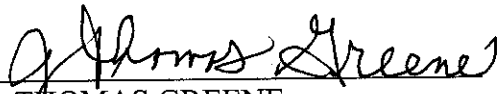
Defendants.

ORDER OF RECUSAL

Case No. 2:06 CV 997

I recuse myself in this case, and ask that the appropriate assignment card  
equalization be drawn by the clerk's office.

DATED this 20th day of December, 2006.

  
J. THOMAS GREENE  
UNITED STATES DISTRICT JUDGE

Judge Bruce S. Jenkins  
DECK TYPE: Civil  
DATE STAMP: 12/20/2006 @ 16:08:39  
CASE NUMBER: 2:06CV00997 BSJ

# MEMORANDUM

FILED  
U.S. DISTRICT COURT

2006 DEC 20 P 4: 27

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

**TO:** Markus Zimmer  
Clerk of the Court

**FROM:** Bruce S. Jenkins  
U.S. Senior District Judge

**DATE:** December 20, 2006

**SUBJECT:** Christensen v. Stephenson  
Case No. 2:06-CV-997

Judge Paul G. Cassell


DECK TYPE: Civil

DATE STAMP: 12/20/2006 @ 16:27:47

CASE NUMBER: 2:06CV00997 PGC

I find I must recuse myself from this case.

Would you please see that this case is reassigned to another judge pursuant to our computer program.

  
\_\_\_\_\_  
BRUCE S. JENKINS  
U.S. Senior District Judge

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

**BONNIE CHRISTENSEN,**

**Plaintiff,**

**v.**

**DAVID CARROLL STEPHENSON, et.**  
**al.,**

**Defendants.**

**ORDER OF RECUSAL**

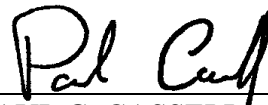
**Case No. 2:06-cv-00997**

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I find I must recuse myself in the above matter. An equalization card should be drawn by the clerk's office on my behalf according to the practice of the court.

DATED this 20th day of December, 2006.

BY THE COURT:

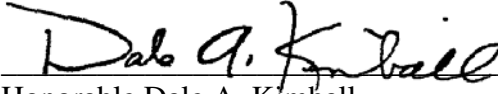


---

PAUL G. CASSELL  
United States District Judge



DATED this 20<sup>th</sup> day of December, 2006.

  
Honorable Dale A. Kimball

**In the United States District Court  
for the District of Utah, Central Division**

FILED  
U.S. DISTRICT COURT

2006 DEC 20 A 9:42

DISTRICT OF UTAH

GORDON T. BEALS,

Plaintiff,

vs.

CENTRAL VALLEY WATER  
RECLAMATION FACILITY and REED  
FISHER, in his individual capacity and in his  
official capacity,

Defendants.

BY: \_\_\_\_\_  
DEPUTY CLERK

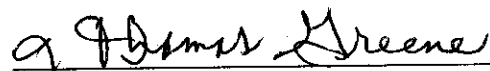
**ORDER OF RECUSAL**

Case No. 2:06 CV 1028

Judge David Sam  
DECK TYPE: Civil  
DATE STAMP: 12/20/2006 @ 09:46:33  
CASE NUMBER: 2:06CV01028 DS

I recuse myself in this case, and ask that the appropriate assignment card  
equalization be drawn by the clerk's office.

DATED this 19<sup>th</sup> day of December, 2006.

  
J. THOMAS GREENE  
UNITED STATES DISTRICT JUDGE

FILED  
U.S. DISTRICT COURT

RECEIVED CLERK

2006 DEC 20 P 1:32  
UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

2006 DEC 18 P 4:02

DISTRICT OF UTAH

U.S. DISTRICT COURT  
DISTRICT OF UTAH

UNITED STATES OF AMERICA

Plaintiff

DEPUTY CLERK

v.

ORDER FOR PRO HAC VICE ADMISSION

DAVID C. GERBER; TOBY J.  
QUESINBERRY; JAMES R. MILLERBERG  
and BRADLEY A. HASLETT  
Defendants.

Judge Ted Stewart

DECK TYPE: Civil

DATE STAMP: 12/19/2006 @ 08:30:19

CASE NUMBER: 2:06CV01044 TS

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Goud P. Maragani in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 20th day of December, 20 06.

U.S. District Judge

FILED  
U.S. DISTRICT COURT

2006 DEC 20 P 3: 21

DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
DEPUTY CLERK

CENTRAL DIVISION

KELLY ROBBENNOLT,

Plaintiff,

vs.

AMERICO ASCUE, et al.,

Defendants.

NOTICE OF RECUSAL

Case No. 2:06 CV 1046

I recuse myself in this case, and ask that the appropriate assignment card equalization be drawn by the clerk's office.

DATED this 20th day of December, 2006.

BY THE COURT:



TENA CAMPBELL  
United States District Judge

Judge Paul G. Cassell  
DECK TYPE: Civil  
DATE STAMP: 12/20/2006 @ 15:22:45  
CASE NUMBER: 2:06CV01046 PGC

STEPHEN R. MCCAUGHEY  
Attorney for Defendant  
10 West Broadway, Suite 650  
Salt Lake City, Utah 84101  
Telephone: (801) 364-6474  
Facsimile: (801) 364-5014

---

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

---

**THE UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ALFONSO CHAVEZ-LOPEZ,**

**Defendant**

:

:

:

:

:

**ORDER**

**Case No. N-06-425 M**

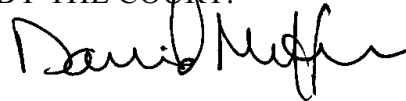
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The Court having read the foregoing motion and good cause appearing, it is hereby;

ORDERED that the arraignment hearing in the above matter previously set for December 26, 2006 at 10:00 a.m. before Judge Paul Warner is VACATED AND CONTINUED to this 2<sup>nd</sup> day of January, 2007, at 10:00 a.m. before Judge David Nuffer.

DATED this 20<sup>th</sup> day of December, 2006.

BY THE COURT:



---

HONORABLE DAVID NUFFER  
U.S. District Court Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 20<sup>th</sup> day of December, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

**Robert L. Steele (E-Filer)**

robert\_steele@fd.org valerie\_williams@fd.org

**Vernon G. Stejskal (E-Filer)**

sfiefia@dea.state.ut.us mrumph@utah.gov

/s/ Brittany Bagley

---

FILED  
U.S. DISTRICT COURT

2006 DEC 19 P 1:06

BRETT L. TOLMAN, United States  
Attorney (USB# 8821)  
JOHN K. MANGUM, Assistant United  
States Attorney (USB# 2072)  
185 South State Street, #300  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682  
**Attorneys for Defendant United States  
Officials**

TOD J. SMITH  
Whiteing & Smith  
1136 Pearl Street, Suite 203 DISTRICT OF UTAH  
Boulder, Colorado 80302 BY: \_\_\_\_\_  
Telephone: (303) 444-2549 DEPUTY CLERK  
**Attorneys for the Ute Indian Tribe**

KIMBERLY D. WASHBURN (USB# 6681)  
Attorney at Law  
405 East 12450 South, Suite A  
Draper, Utah 84020  
Telephone: (801) 571-2533  
**Local Counsel for the Ute Indian Tribe**

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UTE DISTRIBUTION CORPORATION, a  
Utah corporation,

Plaintiff/Appellee,

vs.

SECRETARY OF THE INTERIOR OF  
THE UNITED STATES, in her official  
capacity; and agents and employees, and  
those working in concert with her,

Defendant,

UTE INDIAN TRIBE OF THE UINTAH  
AND OURAY AGENCY,

Defendant/Intervener,

RED ROCK CORPORATION, a Utah  
corporation,

Intervener.

Case No. 2:95CV376 DB

**ORDER FURTHER EXTENDING TIME  
FOR FILING RESPONSE AND REPLY  
BRIEFS ON APA APPEAL**

Chief Judge Dee Benson

Pursuant to further motion of the Federal Defendants and the Ute Tribe, stipulated to by Defendant Ute Distribution Corporation ("UDC"), and finding good cause,

IT IS HEREBY ORDERED that the Federal Defendants and the Ute Tribe may have a further extension through Friday, January 13, 2006, in which to file their response briefs in this APA appeal. Plaintiff UDC may have through March 22, 2007, in which to file its reply brief.

Dated this 18<sup>th</sup> day of December, 2006.

BY THE COURT:

  
HONORABLE DEE BENSON,  
Chief District Judge

STIPULATED and APPROVED:

/s/ Rodney R. Parker (by JKM with permission via e-mail /s/ John K. Mangum)  
Rodney R. Parker  
Judith Wolferts  
SNOW, CHRISTENSEN & MARTINEAU  
Attorneys for UDC

FILED  
IN THE UNITED STATES DISTRICT COURT U.S. DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION 2006 DEC 19 P 3:15

DISTRICT OF UTAH

UNITED STATES OF AMERICA, : BY: DEPUTY CLERK  
Plaintiff, : 2:98-CR-155J  
vs. : ORDER OF SENTENCE FOR  
KRISTY BIGELOW, : VIOLATION OF SUPERVISED  
Defendant. : RELEASE

This matter came before the Hon. Bruce S. Jenkins, Senior Judge, for sentencing on a of violation of supervised release on December 19, 2006. Defendant was present and represented by Tiffany Johnson. The United States was represented by Richard D. McKelvie, Assistant United States Attorney.

Based upon the order of the Court revoking defendant's supervised release, IT IS HEREBY ORDERED that defendant's Supervised Release be reinstated for a period of 1 year. The Court will consider a motion for early termination of Supervised Release if submitted by the Probation Department.

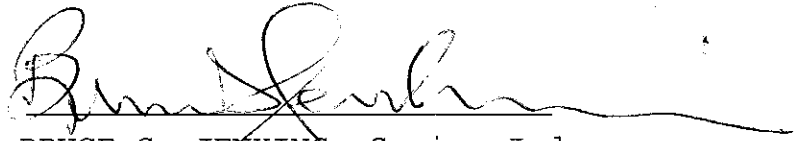
The Court reimposes the original conditions of Supervised Release, and with emphasis on the following conditions:

1. Defendant shall not use or possess any controlled substance or alcohol.
2. Defendant shall comply with all federal, state, and local laws.

3. Defendant shall strictly comply with the directions of the probation office, particularly with respect to drug and alcohol testing.

DATED this 19 day of December, 2006.

BY THE COURT:



BRUCE S. JENKINS, Senior Judge  
United States District Court

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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BRENDA JOHNSON for and on behalf of  
herself and all persons similarly situated,

Plaintiff,

v.

JESSE L. RIDDLE; RIDDLE &  
ASSOCIATES, a Utah professional  
corporation; JOHN DOE OWNERS 1-10;  
and JOHN DOE COLLECTORS 1-10,

Defendants.

**Order Regarding Extension of Time to File  
Reply Memorandum in Support of Post  
Second Remand Motion for Certification  
of Class**

Civil No. 2-98-CV-599

Judge Ted Stewart

Based upon the motion of the plaintiff and the stipulation of the defendants, the Court orders that the Reply Memorandum in Support of Post Second Remand Motion for Certification of Class may be filed no later than January 3, 2007.

Dated this 20th day of December, 2006.

By the Court:



Ted Stewart  
United States District Court Judge